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Florida.

Acts of the Legislative
Council of the Territory of
Florida

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ACTS
OF THE
LEGISLATIVE COUNCIL
OF THE
TERRITORY OF FLORIDA,

PASSED AT THEIR NINTH SESSION

COMMENCING JANUARY THIRD, AND ENDING FEBRUARY THIRTEENTH.

1831.

WITH ALSO,

THE RESOLUTIONS
OF A
PUBLIC OR GENERAL CHARACTER;
ADOPTED
BY THE LEGISLATIVE COUNCIL AT SAID SESSION.

PUBLISHED BY AUTHORITY.

TALLAHASSEE:
GIBSON & SMITH, *Territorial printers.*

1831.

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1988
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1988

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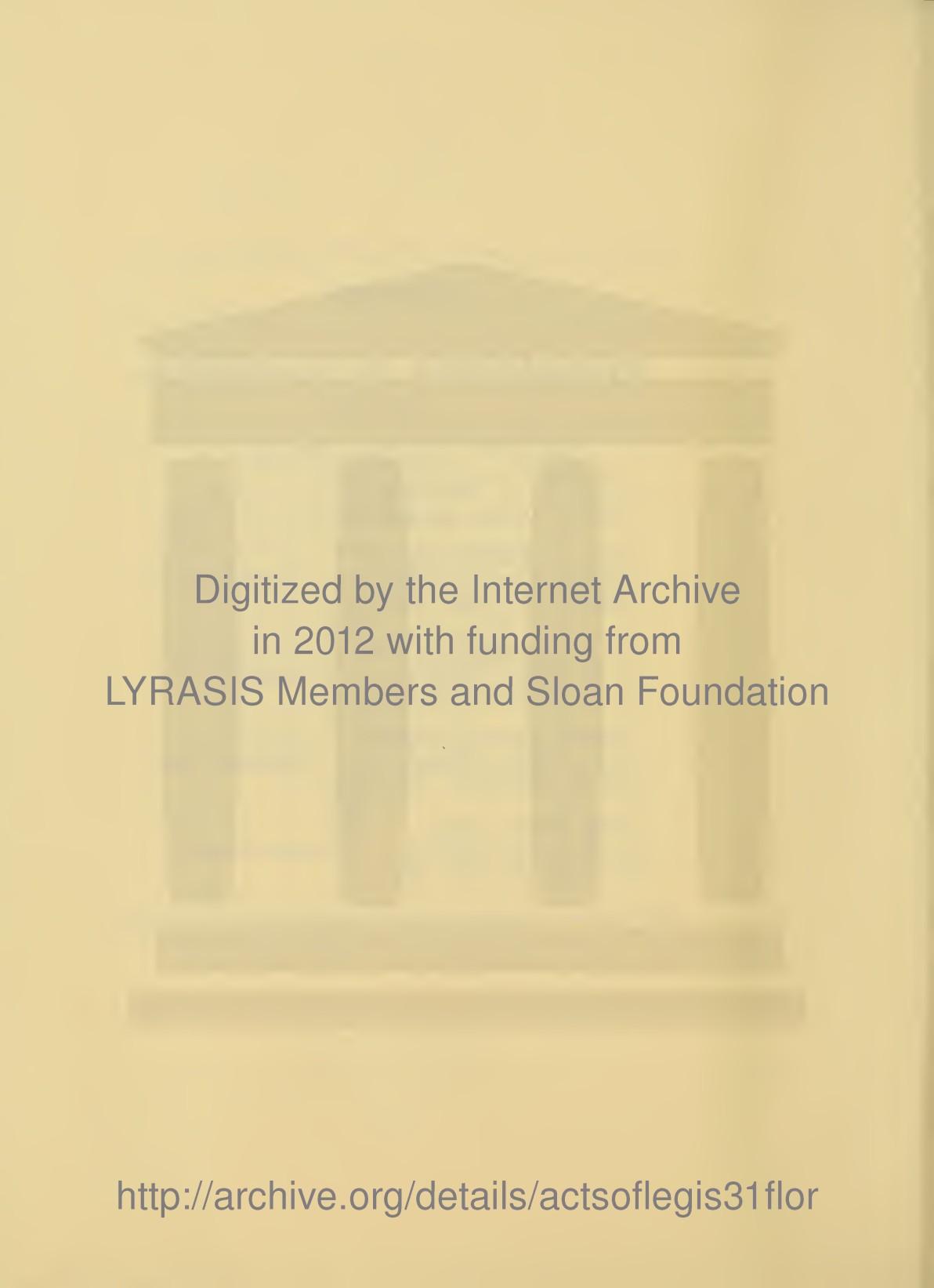
WILLIAM P. DUVAL, *Governor.*
JAMES D. WESTCOTT, *Secretary.*
DAVIS FLOYD, *Treasurer.*
JOHN Y. GAREY, *Auditor.*

THOS. L. SMITH, *Judge,*
WATERS SMITH, *Marshal,*
EDWARD DOUGLASS, *Dist. Att'y.* } Eastern District.

H. M. BRACKENRIDGE, *Judge,*
J. W. EXUM, *Marshal,*
B. D. WRIGHT, *Dist. Att'y.* } Western District.

THOMAS RANDALL, *Judge,*
ALEX. ADAIR, *Marshal,*
JAS. G. RINGGOLD, *Dist. Att'y.* } Middle District.

JAMES WEBB, *Judge,*
L. M. STONE, *Marshal,*
E. CHANDLER, *Dist. Att'y.* } Southern District.

A faint, light-colored watermark of a classical building with four columns and a triangular pediment is visible in the background.

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TITLES OF ACTS.

- An act to alter and amend an act to incorporate the town of West Point—and for other purposes.
- An act concerning the marking and branding of Cattle.
- An act to repeal an act entitled an act to amend an act regulating the mode of suing out writs of error and prosecuting appeals in the court of appeals of the territory of Florida.
- An act to authorise the appointment of commissioners to take the acknowledgement of deeds and instruments of writing under seal.
- An act to amend an act concerning letters testamentary and of administration.
- An act to establish and organise a court of common pleas, and of oyer and terminer, in the town of Appalachicola.
- An act for the relief of Charles E. Hawkins.
- An act regulating our citizens trading with the Indians—and for other purposes herein mentioned.
- An act to provide for the appointment of pilots for the St. Johns and Nassau rivers, in the territory of Florida—and for other purposes.
- An act to amend an act regulating the mode of proceeding on attachments.
- An act concerning the town of Key West.
- An act concerning the Literary Fund.
- An act concerning the Laws of this session.
- An act concerning criminals, and to repeal an act therein mentioned.
- An act to provide for the permanent location of the seat of government in the territory of Florida.
- An act to amend an act concerning the appointment of auctioneers.
- An act concerning letters testamentary and of administration.
- An act to authorise John W. Levinus to build a bridge over the Ocklocknee river, or near Munday's ferry.
- An act concerning the auditor and treasurer of Florida.
- An act to provide for holding superior courts in the county of Washington.
- An act relating to Injunctions.
- An act concerning Patrols.
- An act for the relief of Ellen Foster.
- An act to authorise Stephen J. Roche, to establish and keep a ferry across Holmes' creek in Washington county.
- An act relating to the distribution of the laws of this territory.
- An act to repeal an act to divorce Mary Carter from the bed and board of her husband William Carter.
- An act to provide for the building a jail at Key West.
- An act concerning practitioners of Medicine in this territory.
- An act for the relief of Susan Martino.
- An act to amend an act relating to crimes and misdemeanors committed by slaves, free negroes and mulattoes.
- An act concerning the boundary line of the county of Leon.
- An act relating to judgments and executions.
- An act regulating pilots and pilotage at Appalachicola.
- An act to extend the laws over the Indians within the territory of Florida.
- An act for the relief of Judith Cain, formerly Judith Crosby.
- An act to declare Spring creek, commonly known as Robinson's spring creek, in Jackson county, a navigable stream.
- An act to amend an act to incorporate the city of Tallahassee.
- An act to dissolve the marriage contract between Mahala T. Waugh and William Waugh.
- An act to amend an act entitled an act to incorporate the town of Magnolia.
- An act to incorporate the Jackson Spring in Hamilton county.
- An act to dissolve the marriage contract between Luceline Brenizer and Amos Brenizer.
- An act to provide for the compilation and publication of all the statutes of this territory.

- An act to authorise Hector W. Braden to make a canal through the Natural Bridge of St. Marks river.
- An act to authorise J. W. Roberts to establish a ferry across the Suwannee river.
- An act to incorporate the town of Monticello, in Jefferson county.
- An act to amend an act entitled an act to incorporate the town of Quincy, approved November 21st 1828.
- An act to amend the several acts incorporating the towns of Marianna and Webleyville in Jackson county.
- An act establishing a ferry over Black creek in Duval county.
- An act to amend the act regulating criminal proceedings.
- An act to incorporate a bank by the name and style of the bank of Pensacola.
- An act to incorporate a company to be entitled the St. Marks navigation company.
- An act to incorporate a bank in the city of St. Augustine.
- An act for the relief of L. M. Stone.
- An act concerning the hiring of Slaves.
- An act to provide for the compensation of the officers of the legislative council and for other purposes.
- An act to incorporate the city of Fernandina.
- An act to incorporate a company to be entitled the Leon Rail Way Company.
- An act concerning the county seat of Jackson county.
- An act to incorporate the city of St. Augustine.
- An act to incorporate the Planters and Citizens' Canal Company.
- An act to incorporate a company to be entitled the Wacissa and Aucilla navigation company.
- An act to incorporate the trustees of Pensacola Academy.
- An act to establish a ferry over the Suwannee river.
- An act to amend the act to organise and regulate the militia of the territory of Florida.
- An act to amend an act to constitute a board of trustees for Fort St. Marks.
- An act to incorporate the trustees of Leon Academy.
- An act to amend the several acts incorporating the bank of West Florida.
- An act to impose a tax on Hawkers and Pedlars in this territory.
- An act to provide for issuing writs of Certiorari.
- An act relating to the county court of St. Johns county.
- An act to amend an act entitled an act concerning the election of members of the legislative council of the territory of Florida.



TITLES OF LAWS OF THE UNITED STATES.

- An act to confirm the reports of the Commissioners for ascertaining Claims and Titles to Lands in West Florida, and for other purposes.
- An act to provide for the location of the two townships of land reserved for a seminary of learning in the territory of Florida, and to complete the location of the grant to the deaf and dumb asylum of Kentucky.
- An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida.
- An act giving the right of pre-emption, in the purchase of lands, to certain settlers in the states of Alabama, Mississippi, and territory of Florida.
- An act to provide for the confirmation and settlement of Private land claims in East Florida, and for other purposes.
- An act to provide for the final settlement of land claims in Florida.
- An act concerning wrecks on the coast of Florida.
- An act to alter the time of holding the sessions of the Legislative Council of the Territory of Florida.
- Treaty of amity, settlement and limits, between the United States of America and His Catholic Majesty.

ACTS
OF THE
LEGISLATIVE COUNCIL
OF THE
Territory of Florida.

An ACT to alter and amend an Act to incorporate the Town of West Point—and for other purposes.

§ 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That so much of the above recited act as relates to the name of said Town be, and the same is hereby repealed, and the said Town be called and incorporated as the Town of Appalachicola.

Name of
West Point
altered to
Appalachicola.

§ 2. Be it further enacted, That the corporate limits of said Town be extended seven miles, in each and every direction, from the centre of the present settlement of said Town.

Corporate
limits to 7
miles.

§ 3. Be it further enacted, That all that part of the county of Gadsden, lying within a line, beginning at the mouth of Appalachicola river, running up said river to the mouth of Black's mill creek; thence up said creek to Black's mills; thence in a due south east course to St. Georges' Sound; thence to the beginning point, including the Island of St. George, be added to, and become a part of the county of Washington.

Part Gads-
den county
added to
Washington county.

§ 4. And be it further enacted, That all laws, and parts of laws, militating against the provisions of this act, be and the same are hereby repealed.

conflicting
laws re-
pealed.

Passed—Jun. 13, 1831. [APPROVED—Jan. 28, 1831.]

An ACT concerning the marking and branding of Cattle.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That any person or persons, who shall, knowingly, or wilfully, hereafter, mark or brand the cattle of another, whether the owner thereof be known to such person, or persons, or not, such person, or persons, shall be deemed guilty of cattle stealing, and shall be punished in the same manner in which by law cattle stealing is now punished.

Falsemark-
ing of cattle
ma. e steal-
ing.

Passed, Jan. 20, 1831. [APPROVED, Jan. 28, 1831.]

An ACT to repeal an act entitled an act to amend an act regulating the mode of suing out Writs of Error and prosecuting Appeals in the Court of Appeals of the Territory of Florida.

**Act of 1829
respecting
suing out
Writs of Error
repealed
and act of
2d revived**

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the act to amend an act regulating the mode of suing out Writs of Error and prosecuting Appeals in the Court of Appeals of the Territory of Florida, approved the 14th day of November, eighteen hundred and twenty-nine, be, and the same is hereby, repealed, and that so much of the act, approved twelfth of November, one thousand eight hundred and twenty-eight, as was repealed, by the said act of one thousand eight hundred and twenty-nine, be, and the same is revived.

**Act to be in
force after
1st April.**

§. 2. *Be it further enacted,* That this act shall be in force from the first day of April next.

Passed, 21st. Jan. 1831.

[APPROVED—Jan. 29, 1831.]

An ACT to authorise the appointment of Commissioners to take the acknowledgement of deeds and instruments of writing under seal.

**Governor
authorised
to appoint
commissrs. in
other states
and territories
to take
acknowledg-
ement of
deeds &c**

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the Governor be, and he is hereby authorised to name, appoint, and commission, one or more Commissioners in each, or such of the States and Territories of the United States, or in the District of Columbia, as he may deem expedient; which Commissioners shall continue in office during the pleasure of the Governor; and shall have authority to take the acknowledgements and proof of the execution of any deed, mortgage, or other conveyance, of any lands, tenements, or hereditaments, lying or being in this Territory; any contract, letter of attorney, or any other writing under seal, to be used or recorded in this Territory; and such acknowledgement or proof, taken or made in the manner directed by the laws of this Territory, and certified, by any one of the said Commissioners, before whom the same shall be taken or made under his seal, which certificate shall be endorsed on or annexed to said deed or instrument aforesaid, shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been made or taken before the proper officer of this Territory.

**Such com-
missioners
authorised
to adminis-
ter oaths.**

§ 2. *Be it further enacted,* That every commissioner appointed by virtue of this act, shall have full power and authority to administer an oath, or affirmation, to any person who shall be willing and desirous to make such oath, or affirmation, before him; and such affidavit, or affirmation, made before such commissioner, shall, and is hereby declared to be as good and effectual, to all intents and purposes, as if taken by any magistrate resident in the Territory, and competent to take the same.

§ 3. *And be it further enacted.* That every commissioner appointed as aforesaid, before he shall proceed to perform any duty, under and by virtue of this law, shall take and subscribe an oath, or affirmation, before a justice of the peace, in the city or county in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of this Territory; which oath or affirmation, shall be filed in the office of the Secretary of this Territory.

Commissioners to take oath.

Passed—Jan. 24, 1831.

[APPROVED—Jan. 28, 1831.]

An ACT to amend an act concerning letters testamentary and of administration.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That any justice of the peace be, and he is hereby authorised, to administer the oath required by law, to appraisers of the estates of deceased persons.

J. of P. authorised to administer oaths to appraisers.

§ 2. *And be it further enacted,* That all laws conflicting with the provisions of the above section, be and the same are hereby repealed.

Conflicting laws rep'd.

Passed, Jan. 31, 1831.

[APPROVED, Feb. 2, 1831.]

An ACT to establish and organise a court of Common Pleas, and of Oyer and Terminer, in the Town of Appalachicola.

Concurrent jurisdiction with superior courts.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That there shall be organised in the Town of Appalachicola, and county of Washington, a court of record, to be styled "the Court of Common Pleas, and of Oyer and Terminer, for the town of Appalachicola;" which said court shall have concurrent jurisdiction with the superior courts in said town, of all civil cases in assumpsit, debt, covenant, trover, detinue, and of actions on the case, where the damages or cause of action, shall not exceed the sum of one thousand dollars, nor less than fifty dollars; and shall have authority to try all offences (not of a capital nature) committed within the limits of said Town, and to punish the same according to the existing laws of the Territory.

§ 2. *Be it further enacted,* That the governor, by and with the advice and consent of the legislative council, shall immediately after the passage of this act, appoint a judge of said court, who shall hold his office for the term of one year, from and after the date of his commission; and who shall be entitled to receive as full compensation for all his services, the sum of four dollars in each and every case tried in said court, to be taxed by the clerk in the bill of costs.

Judge to hold his office 1 year.

Clerk and sheriff to be elected. § 3. *Be it further enacted,* That there shall be elected by the citizens of said town, qualified to vote for members of the legislative council, on the first Monday in March in each and every year, a clerk of said court, and a sheriff of said town, who shall take an oath and give security as hereinafter mentioned; that is to say, the clerk so elected shall take and subscribe the following oath, before the judge of said court,—"I do solemnly swear, that I will truly and faithfully enter and record all orders, decrees, judgments and other proceedings, of the court of Common Pleas, and of Oyer and Terminer of the town of Appalachicola, and all matters and things which by me ought to be recorded; and that I will faithfully and impartially perform all the duties required of me as clerk of said court, to the best of my ability:" And such clerk shall before he enters upon the duties of his office, give bond with good and sufficient security, to the governor of the Territory of Florida, for the time being, and his successors in office, in the sum of two thousand dollars, conditioned for the faithful performance of the duties required of him; which said bond shall be taken and approved by the judge of said court—and said clerk shall be required to keep such books of record as may be necessary, and to provide for said court a seal; and shall be entitled to receive as a compensation for his services, the same fees as are allowed to the clerks of the superior courts of this Territory for similar services; and the said clerk shall keep fair and regular minutes of the proceedings of said court, which shall be signed by the judge before the adjournment of each term of said court:—And the said sheriff shall in like manner take the following oath—"I do solemnly swear, that I will faithfully execute all writs, warrants, precepts and processes, directed to me as sheriff, of the town of Appalachicola, and true returns of the same make, and in all things truly, faithfully and impartially perform the duties of my said office during my continuance therein, and take only my lawful fees." And the oath shall be taken by the deputy of said sheriff, provided he shall appoint one; and the said sheriff shall enter into bond with good and sufficient securities to the governor, for the time being, and his successors in office, in the sum of three thousand dollars, conditioned for the faithful performance of his duties by himself and deputies; which said bond shall be taken by the judge. And the said clerk and sheriff shall continue in office until their successors are elected and qualified; and upon going out of office, shall turn over to their successors, all papers belonging to their said offices respectively; and the same remedy may be had against said clerk and sheriff, as are allowed against marshals and clerks in the superior courts of this Territory; and the said sheriff shall be allowed the same fees as are allowed to sheriffs, in the county courts, for similar services.

Oath of cl'k

C'l'k shall give bond

Oath of shff

Shff shall give bond.

Continuance in office.

§ 4. *Be it further enacted,* That said bond of the clerk and

Sheriff, shall be recorded in the clerk's office of said court, and the originals transmitted to the executive office of the Territory: And when any person shall desire to institute suit upon either of said bonds, it may be lawful for him to apply to said court and obtain a certified copy of the same; and the said copy shall be sufficient for the foundation of his suit, and be received in evidence in any court in this Territory, in lieu of the original.

Bonds recorded in
clerk's office.

§ 5. *Be it further enacted,* That it shall be the duty of said sheriff to summon, at least ten days before the sitting of said court, twenty-four jurors, who shall be residents of the said town, and who shall be qualified to serve as petit jurors, in the Superior courts of this Territory; who shall be empanelled as juries usually are, and who shall try and determine all suits in said court; and who may be fined by the judge in a sum not exceeding ten dollars, for not attending said court, when legally summoned, unless their non-attendance be from unavoidable accidents.

Bond received in
evidence.

Sheriff shall
summon
jurors.

§ 6. *Be it further enacted,* That all suits in said court, shall be commenced, conducted and regulated, by the same regulations, and rules of practice, as are observed and prescribed for the superior courts of this Territory.

§ 7. *Be it further enacted,* That appeals and writs of error shall be taken from the said court in the same manner and under the same restrictions, as are imposed in the cases respectively, when appeals or writs of error are taken from the superior court to the court of appeals; and when any case so taken by appeal or writ of error to said superior court, shall have been determined therein, it shall be the duty of the clerk of said court, to issue execution against the party and his security, for the amount of the debt, costs and damages.

Appeals to
be taken similarly to
appeals from
S. court.

§ 8. *Be it further enacted,* That the clerk of said court shall have authority to issue subpœnas, commissions, and all other precepts necessary and proper for the conducting and prosecuting suits in said court, in like manner as the clerks of the superior courts of this Territory; and all sales by the sheriff of said town, shall be made in the same way, and under such provisions as are prescribed for the sheriffs of the several counties.

§ 9. *Be it further enacted,* That all executions issued by the clerk of said court of Common Pleas, and of Oyer and Terminer, shall be directed to the sheriff of said town of Appalachicola.

§ 10. *Be it further enacted,* That said court shall be holden in said town on the first Monday in May, and third Monday in November in each and every year.

§ 11. *Be it further enacted,* That the said court shall in such manner as is, or may be provided by law, for drawing juries, draw a grand jury of lawful jurors, residing in said town, to serve at each term of said court; who shall inquire into, and present all offences, committed within the limits of said town.

Court shall
draw grand
jury.

§ 12. And be it further enacted, That all laws, and parts of laws, militating against the provisions of this act be, and the same are hereby, repealed.

Passed, Jan. 31, 1831.

[APPROVED, Feb. 7, 1831.]

An ACT for the relief of Charles E. Hawkins.

Preamble. WHEREAS, upon the petition of the grand jury, empaneled in, and for the body of Munroe county, at the last November term of the superior court for the southern judicial district of Florida, as well as upon the petition of the people of the said district, for the relief of Charles E. Hawkins, now in the custody of the Marshal of the said district: And whereas, also, three terms of the superior court have elapsed since the alledged commission of the crime, for which he is now in custody, and that by the shewing of the said petitions, he can never be tried in the said district, because the citizens when summoned as jurymen, in the said case, generally answer on oath, that they believe the said Charles E. Hawkins ought to be acquitted—And whereas, his further continuance in custody, under the circumstances of the case, would in all probability amount to perpetual imprisonment, in violation of the liberty of the citizen, whose fair and speedy trial is guaranteed by the Constitution of the United States, and the great expense of his confinement, already amounting to the sum of near sixteen hundred dollars, and which will be greatly increased by the detention of the said Charles E. Hawking in custody:

C.E. Hawkins released from custody of marshal southern district Now therefore be it enacted by the Governor and Legislative Council of the Territory of Florida, That the said Charles E. Hawkins, be and lie is hereby discharged from the custody of the Marshal of the southern judicial district, and it shall be the duty of the marshal of the said district forthwith to release him. This act shall be in force from the passage thereof.

Passed, Jan. 27, 1831.

[APPROVED, Jan. 28, 1831.]

An ACT regulating our citizens trading with the Indians—and for other purposes therein mentioned.

Preamble. WHEREAS, the safety, welfare and tranquility of the Territory of Florida, do in a great measure depend on the maintaining the good correspondence between the citizens of this Territory and the Indians in amity with the good people of the same: And whereas, many inconveniences have arisen from private persons trading with them without licences:

§. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That for the better preventing dis-

Turbance among the Indians by persons bartering with them in the woods, or hunting within their limits, or in any otherwise trespassing on the same, that from and after the first day of March next, it shall not be lawful for any person or persons to sell, barter or exchange with any Indian or Indians, any rum, or other strong liquors, clothing, arms, ammunition, or any thing whatsoever, in the woods, in their hunting grounds, or within our settlements, or at any other place, other than a storehouse, or at stores, or houses licensed for that purpose; or shall hunt, or trespass on the lands beyond the present boundary line—And every one, so offending as aforesaid, shall forfeit and pay, upon legal conviction, before any court of this Territory having jurisdiction of the same, the sum of five hundred dollars, good and lawful money, one half thereof to be paid to him, her, or them, who shall sue for and prosecute such offenders to conviction, and the other half for the use of the Territory; and if such offenders shall not have sufficient effects whereon to levy such fine; then in every such case the offender shall suffer corporal punishment, by whipping, not exceeding thirty-nine lashes on the bare back, to be inflicted, by order of the judge of the court, at which such offender shall have been convicted. And the Justices of the Peace upon complaint made of any such offence, are hereby authorised, and required, to bind over the offender by recognizance, with sufficient securities, for his appearance at the next court having jurisdiction of the same, to answer such action, or information, as shall then be brought or exhibited against him, her or them, pursuant to this act; and for want of sureties, to commit such offenders to the common jail.

§ 2. *Be it further enacted*, That from and after the first day of March next, if any person or persons whatsoever, (other than such as duly take out license, or licensed from the proper authority) shall directly, or indirectly, trade or traffic with any Indian or Indians, except for the necessary supply of provisions, in their passing or repassing to and from the nation, or shall presume to erect, or set up any houses, or huts, on the lands reserved for the Indians, shall be proceeded against as before directed.

§ 3. *And be it further enacted*, That all and every person, or persons, whites, half breeds, Indians, mulattoes, or mustigoes, who shall inveigle, steal, or carry away any slave, or slaves, or shall hire, aid or counsel any person, or persons to inveigle, steal or carry away as aforesaid any such slave, or slaves, or shall aid any such slave or slaves in running away from his owner or employers service, or shall give a ticket or pass, whereby such slave shall depart from the service of his, or her, said owner, manager, or employer, shall be, and he, and they are hereby declared guilty of felony, and, being thereof convicted, shall be punished by a fine not exceeding five hundred dollars, or whipping not exceeding thirty-nine stripes, or imprisonment not exceeding two years,

All persons prohibited from trading with Indians or hunting within th'd limits.

Penalty of \$500 indies.

Offend'r to be whipp'd if unable to pay fine.

Justices of peace to enforce this act.

Act to go in force first Ma'ch 1831

Inveigling away slave &c.

at the discretion of the court. And so much of the laws now in force as militate against, or contradict this law, be, and the same are hereby, repealed.

Passed, Jan. 22, 1831.

[APPROVED, Jan. 28, 1831.]

An ACT to provide for the appointment of Pilots for the St. Johns and Nassau rivers, in the Territory of Florida—and for other purposes.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Isaiah D. Hart, Farquhar Bethune and John Houston, be, and they are hereby, appointed commissioners of pilotage for the bars and rivers of St. Johns and Nassau, and they are hereby charged with the duty of granting branches to pilots for said bars and rivers, to establish rates of pilotage, and to prescribe all the necessary rules and regulations for the government of said pilots.

Repeal of
act of 1827.
§ 2. *And be it further enacted,* That the act entitled an "act to establish the rates of pilotage for the St. Johns river in the Territory of Florida," approved, 20th January, 1827, and all acts, and parts of acts, giving power to the county courts to appoint pilots for said bars and rivers, be, and the same are hereby repealed.

Passed, Feb. 2, 1831.

[APPROVED, Feb. 7, 1831.]

An ACT to amend an act regulating the mode of proceeding on Attachments.

Property
claimed as
in . . . sec.
of act of '29
repleviable
&c.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That property claimed as in the third section of the act, regulating the mode of proceeding on attachments, approved November second, 1829, shall be repleviable as in other cases.

Appearance of defendant
not to dissolve attachment.

6th & part
of 7th sec.
of act Nov.
2d '29 repud

Bond to be
given, &c.

§ 2. *Be it further enacted,* That the appearance of the defendant in attachment, in court, shall not operate as a dissolution of the attachment.

§ 3. *And be it further enacted,* That the sixth section of said act, and so much of the tenth section of the same act, as requires the defendant in attachment to give a replevin bond for the re-delivery of the property to the Marshal, or other officer, at the term of the court, to which said attachment is made returnable, be, and the same is hereby, repealed, and said parties shall be required to give bond as prescribed in said last section, conditioned for the delivery of the property to abide the judgment of the court.

Passed, Feb. 7, 1831.

[APPROVED, Feb. 11, 1831.]

AN ACT concerning the town of Key West.

WHEREAS, The president of the town council of Key West neglected to order an election, for town councilmen, on the first Monday in January, 1830, according to the provision of the act of incorporation, passed the 8th day of November 1828. And, whereas, the citizens of said town did, on the first Monday in January 1831, assemble together, and hold an election for town councilmen to govern said town, and doubt having arisen, as to the legality of said election, under the act aforesaid:

Preamble.

§ 1. Be it therefore enacted by the Governor and Legislative Council of the Territory of Florida, That the act of incorporation aforesaid is hereby revived, and that all the acts of the president and Council are hereby made valid and binding in law; Provided, That none of said acts are contrary to the laws of this Territory.

Acts of the
L. Council
made valid

§ 2. And be it further enacted, That if the president of said town council, shall refuse, or neglect to advertise for the election of town councilmen according to the act of incorporation, it shall be the duty of the clerk of said town to do so; and if the clerk shall neglect or refuse to advertise for said election, it shall and may be lawful for the citizens of said town to assemble at any convenient place in said town and appoint judges to conduct the election, and they shall then proceed to elect seven town councilmen.

clerk to ad.
vertise. &c

Passed. Feb. 4, 1831.

APPROVED, Feb. 9, 1831.

An ACT concerning the Literary fund.

WHEREAS, the security and prosperity of all popular government depends on the virtue and intelligence of the people; and virtue and intelligence can only be expected as the result of a correct and efficient system of education, it becomes the duty of government to provide for the people such means of instruction as are necessary to qualify them for the intelligent and honest discharge of their duties as citizens: And, whereas, the scattered state of our population renders the general introduction of the most approved system of common school instruction impracticable: And, whereas, it is highly important, that the best system of education of which the circumstances of the Territory will admit, be introduced, before our habits and institutions become too well established to be easily changed—Therefore

Preamble.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor be, and he is hereby, authorised and required to appoint three commissioners, one of whom shall reside in the eastern, one in the middle, and one in the western district, whose duty it shall be to inquire into the

Com'rs
to be ap-
pointed

condition of the schools in the Territory; the wants of the people in regard to the subject of education, and the means best calculated to relieve these wants; and to report to the next legislative council the number of schools in the Territory; the number and qualifications of teachers; the branches usually taught, and the various modes of instruction adopted in them; the number of children receiving education in these schools, and the number of children in the Territory destitute of the means of education. And also to report what in their opinion is the best system of general instruction, adapted to the condition and wants of the Territory, and the best mode of obtaining the funds necessary for its establishment; and any other facts and information, connected with the subject, which they think important to be laid before the legislative council.

§ 2. Be it further enacted, That all fines and forfeitures which have heretofore accrued to the Literary Fund of this Territory, as well as all fines and forfeitures, which may hereafter accrue, shall belong to the Literary Fund, to be disposed of by the legislative council of this Territory.

§ 3. And be it further enacted, That the act of the legislative council, approved November twenty-second 1829, entitled an "act to incorporate the President and Directors of the Literary Fund," be and the same is hereby repealed.

Passed, Feb. 11, 1831. [APPROVED, Feb. 13, 1831.]

Pines to go
to the fund.

Act 1829
repealed.

Laws to be
in force af-
ter 1st April

Prosecutor
required.

Duty of
grand and
petit juries.

An ACT concerning the Laws of this Session.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all laws of a general nature passed at this session of the legislative council, where not otherwise provided for, shall not be considered in force until the first day of April, one thousand eight hundred and thirty-one.

Passed, Feb. 13, 1831. [APPROVED, Feb. 13, 1831.]

An ACT concerning Criminals, and to repeal an act therein mentioned.

§ 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty of the several prosecuting attorneys, in this Territory, before presenting bills of indictment to the grand jury, to require a prosecutor, whose name shall be endorsed on the back of the indictment.

§ 2. Be it further enacted, That it shall be the duty of the grand and petit juries in this Territory, when any indictment shall be brought before them, and they shall find the same to be malicious, and without probable cause, to make such finding and

return to the court; under such cases, the prosecutor shall pay all costs which may have accrued on said prosecution.

§ 3. *Be it further enacted,* That it shall be lawful for any marshal, sheriff or constable, serving any criminal process, to summon a sufficient number of men to assist in arresting or safe keeping, any person who refuses to be taken, or who is likely to make his escape; and if any person summoned as aforesaid, shall disobey such summons, he shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, for the use of the Territory.

§ 4. *Be it further enacted,* That the twelfth section of an act, entitled an "act for the apprehension of criminals, and the punishment of crimes and misdemeanors," approved 19th of November, 1828, be and the same is hereby revived.

§ 5. *Be it further enacted,* That any person, or persons who are, or may have been committed to prison, and have come within the provisions of the foregoing section above revived, be and they are hereby required, to be discharged, in the manner prescribed in said twelfth section.

§ 6. *And be it further enacted,* That an act entitled an "act to amend an act for the apprehension of criminals, and the punishment of crimes and misdemeanors," approved 15th November 1829, be and the same is hereby repealed.

Passed, Feb. 13, 1831.

[APPROVED, Feb. 13, 1831..

Duty of the
marshal.

Act of 1828.
revived.

Persons dis-
charged.

Act of 1829.
repealed.

An ACT to provide for the permanent location of the seat of Government in the Territory of Florida,

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That with a view to the permanent location of the seat of government for this Territory, there shall be appointed by the legislative council, at its present session, five persons as commissioners, one of whom shall be from the eastern, two from the middle, one from the southern, and one from the western Judicial District. That said commissioners shall meet at such time and place as they may deem proper, and shall proceed to examine all such places as, in their opinion, might probably be the most eligible site for the permanent location of the seat of government for this Territory.

Com'mrs to
be appoint'd,
&c.

Sec. 2. *Be it further enacted,* That Jose A. Trias, from the eastern district; John Gamble and Malcolm Nicholson, from the middle; John Porter Lockhart, from the western, and Theodore Owens, from the southern judicial district of this Territory, be and they are hereby appointed commissioners as provided for in this act, to make said selection and report.

Names of
com'mrs.

Sec. 3. *Be it further enacted,* That said commissioners shall make to the Governor of this Territory a detailed report of their

To make
report, &c.

proceedings, setting forth the situation by them selected for the purpose aforesaid, particularly describing its location, its comparative advantages over other places by them examined, and to assign their reasons for their selection. And it is hereby made the duty of the Governor to lay said report before the next legislative council, during the first week of its session.

*To receive
\$3 pt. day.*

Sec. 4. *And be it further enacted,* That said commissioners shall receive for their services each three dollars per day: *Provided*, The number of days shall not exceed thirty; and if any or either of said commissioners shall fail or refuse to serve, the remaining members shall and may proceed to fill the vacancy by appointment from the same district.

Passed, Feb. 13, 1831.

[REJECTED by the Governor, Feb. 13, 1831.

Reconsidered by the Council, 1st Feb. 1831, and passed by the requisite majority

An ACT to amend an act concerning the appointment of Auctioneers.

No deputy
allowed.

\$2000 fine

Fine & im-
prisonment
for false re-
turn.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That it shall not be lawful for any Auctioneer in this Territory to sell any goods, wares, or merchandize, at auction by deputy, or otherwise than in person, from and after the passage of this act.

Sec. 2. *Be it further enacted,* That if any auctioneer shall after the passage of this act, sell any goods, wares, merchandize, or other produce, at auction, by deputy or otherwise than in person, such auctioneer and his securities, shall pay a fine of two thousand dollars to the Territory, for every sale so made, to be recovered in any court in the Territory having cognizance of the same.

Sec. 3. *And be it further enacted,* That if any auctioneer shall make a false or insufficient return of the monies received by him for the Territory, he shall be indictable, and if convicted, shall pay a fine in any sum above ten, and under one thousand dollars, or imprisoned for any time less than sixty days, such fine or imprisonment to be according to the finding of the jury.

Passed, Feb. 7, 1831.

[APPROVED, Feb. 10, 1831.

An ACT concerning Letters Testamentary and of Administration.

Letters tes-
tamentary
&c. grant'd
by clerk of
Escambia
Cty. ratifi'd

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That all the letters testamentary and of administration heretofore granted by the clerk of the county court of Escambia county, be, and the same are hereby, confirmed and made valid in law, to all intents and purposes, in the

same manner, and to the same extent as if the same had been granted by the judge of the county court of said county.

§ 2. *And be it further enacted*, That whenever the presiding justice of any county court shall reside or be more than ten miles from the place of holding court, in any county in this Territory, the clerk of said court shall have full power to grant letters testamentary and of administration in the same manner as the said presiding justice may do according to law.

Passed, Jan. 24, 1831.

[APPROVED, Jan. 29, 1831.]

Clerk of city,
courts au-
thorized to
grant such
letters.

An ACT authorising John W. Levinus to build a bridge over the Ocklocknee river, at or near Munday's ferry.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That John W. Levinus be, and he is hereby, vested with the right and power, of building a bridge, and charged with the duty of keeping the same in repair, across the Ocklocknee river, at or near the place known as Munday's ferry, and shall continue in the enjoyment of the same for twenty years, from and after the passage of this act, or so long as the said Levinus, his heirs or assigns, shall keep the same in good repair, (unavoidable accidents excepted) for the safe crossing of such vehicles, &c. as travel the road, and shall be allowed to receive the prices of toll allowed by law, to be received at the other bridges and ferries across said river: *Provided, nevertheless*, That nothing in this act shall be so construed as to authorise said Levinus, or his assigns, to obstruct any ford, or prevent any person from crossing at any place which has heretofore been made use of as a ford.

§ 2. *Be it further enacted*, That no person shall have the right to build a bridge or establish a ferry within one mile of said bridge for the purpose of gathering toll.

Not to ob-
struct ford.

§ 3. *And be it further enacted*, That the said Levinus is hereby authorised to receive toll, as soon as the said bridge is in good repair, agreeable to the intent of this act.

No person
to build in
one mile.

Passed, Jan. 29, 1831.

[APPROVED, Feb. 2, 1831.]

To receive
toll.

An ACT concerning the Auditor and Treasurer of Florida.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That there shall be appointed an Auditor of public accounts, who shall hold his office for the term of one year from the time of his appointment; subject, nevertheless, to removal from office by the Governor and legislative council, or during the recess thereof by the Executive; and when any

Auditor ap-
pointed for
one year.

person appointed as aforesaid, shall resign or die, or be removed during the recess of the Legislative Council, it shall be lawful for the Governor to appoint a successor to act until the end of the next session of the legislative council.

This duty. Sec. 2. *Be it further enacted,* That it shall be the duty of the auditor to examine, state, settle and audit all accounts, claims or demands whatsoever against the Territory, arising under any law or resolution of the legislative council, and to grant to every public claimant, authorised by law to demand the same, a warrant on the Treasurer for the sum due, making due entry of his daily proceedings in books provided for that purpose, and carefully preserving in his office all receipts and papers touching the same, and shall annually on the last day of November transfer the balance to a new account to be opened by him on the first day of December: he shall also keep an account with the Treasurer of the Territory.

To give bond in the sum of \$5,000, &c. Sec. 3. *Be it further enacted,* That any person hereafter appointed auditor shall give bond with such security as shall be approved by the Governor, in the sum of five thousand dollars, payable to the Governor, or his successor, in trust, for the use of the Territory of Florida, conditioned for the faithful discharge of the duties of his office.

To report to council. Sec. 4. *Be it further enacted,* That the auditor of public accounts shall annually, within the first ten days of every session of the legislative council of the Territory of Florida, make a report containing as follows, that is to say—First, a statement of his settlement with the territorial treasurer of funds belonging to the Territory, and as trustee for the school fund, with a summary, reducing to general heads, the receipts and payments, and showing the amount under each head. Second, a statement of the amount of revenue received from, or chargeable to each county, and the expenses which have accrued in each judicial district for the current year. Third, an estimate of the public expenditures and public revenue for the current year succeeding. Fourth, a statement of his settlement with the trustees of school lands in the several counties. Fifth, a statement of the amount of fines received from each judicial district, and also the amount due, and to whom chargeable. Sixth, a statement of all debts due to and from the Territory, shewing the names of the debtors and creditors, the sums due from and to them respectively, and the nature of the debts. Seventh, the name of any person who has failed in any duty enjoined upon him by this act, and a specification of such failure. Eighth, any information relating to the funds of the Territory, which he shall consider for the public good, to be communicated to the legislative council.

Officers to report to auditor. Sec. 5. *Be it further enacted,* That all officers now required by law to report to the Territorial Treasurer, shall report to the Auditor, under the same penalties, as are now prescribed by law.

Sec. 6. Be it further enacted. That all money paid into the treasury, shall be upon an order from the auditor to the treasurer to receive, number from one upwards, to the end of the fiscal year, and every person making payment as aforesaid, shall take duplicate receipts, one of which he may keep for his own security, the other he shall hand to the Auditor, which shall be filed in his office numbered as aforesaid, and be authority for his placing the amount to such individual's credit, and charging the treasurer for said amount.

Auditor to give duplicate rec pts

Sec. 7. Be it further enacted, That all accounts which shall be settled by the Auditor, must be received and filed in his office, numbered as aforesaid, and he shall draw a check on the treasurer, in favor of the claimant for such amount (which check shall express by reference, to some one general head of expenditure, the cause for which it is drawn) which the treasurer shall pay out of any money in the treasury not otherwise appropriated: *Provided*, that the auditor shall not check in favor of any one indebted to the Territory, or to any officer who has failed to make return to the auditor as required by law, or any rule made in pursuance thereof, or to any clerk of superior court, or marshal, until he has first made and subscribed an oath (before the auditor, or some other one authorised to administer oaths) that he has made a true return, and accounted to the Territory of Florida for all fines and forfeitures, or other monies that may have come to his hands as clerk or marshal, as the case may be.

To be filed in his office

Sec. 8. Be it further enacted, That the auditor and treasurer, by and with the advice and approbation of the governor, shall make such other rules for the government of the treasury department, as to them may appear necessary and convenient: *Provided* such rules be not contrary to any law of this Territory.

To make rules, &c

Sec. 9. Be it further enacted, That the auditor shall at all times, when required by the governor, furnish any information he may possess in relation to the department; and the office of the said auditor shall at all times be subject to the inspection of the governor, or any person he may appoint for that purpose.

To furnish all information he may possess

Sec. 10. Be it further enacted, That no account shall be evidence of debt, or be allowed as an offset, in any suit where the Territory is a party, until it first be audited and allowed at the treasury department; and all claims of the Territory against any individual, when properly certified by the auditor, under seal of office, shall be received as conclusive evidence of such debt, in any court of this Territory.

No account allowed as offset until audited

Sec. 11. Be it further enacted, That the auditor is hereby authorised to purchase such furniture and stationary for his office, not to exceed fifty dollars, as he may require, for the use of his office, and draw upon the treasurer for the same; and also to procure a seal of office, with the following inscription—"Auditor's Office, Florida."

Auditor to procure furniture

Not allowed to stand security.

Salary of the auditor \$400.

To reside in Tallahassee.

Laws repealed.

Two terms

Time.

Time altered in Walton co.

Act of 1828 repealed.

Sec. 12. Be it further enacted, That the auditor shall not, in any instance, be received as security upon any officer's bond, who is charged with the assessing or collecting any revenue belonging to the Territory of Florida, or in the collection of fines and for forfeitures.

Sec. 13. Be it further enacted, That the auditor shall receive as full compensation for his services the sum of four hundred dollars, to be paid quarter yearly out of any money in the treasury upon a draft of the Governor, and receipted by said auditor.

Sec. 14. Be it further enacted, That the auditor and treasurer shall reside in the city of Tallahassee, and shall attend regularly to the duties of their respective offices.

Sec. 15. And be it further enacted, That all laws or parts of laws repugnant to, or inconsistent with, this act be, and the same are hereby, rep. alled.

Passed, Feb. 13, 1831.

[APPROVED, Feb. 13, 1831]

An ACT to provide for holding Superior Courts in the county of Washington.

§ 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the judge of the superior court of the western district of Florida, be required to hold two terms of said court, in each and every year, at the court-house of Washington county.

§ 2. Be it further enacted, That said court shall be holden on the first Mondays in June and December, in each and every year until otherwise provided for by law.

§ 3. And be it further enacted, That hereafter the said superior court shall be held in the county of Walton on the last Mondays of May and November.

Passed, Jan. 31, 1831.

[APPROVED, Feb. 7, 1831.]

An ACT relating to Injunctions.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the fifth section of an act, entitled "an act to regulate proceedings in Chancery," which was approved on the seventh day of November, A. D. 1828, shall be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the provisions of the twenty-seventh section of the before recited act, shall be applied to and govern in cases where there has been neither verdict nor inquest of damages.

Passed, Feb. 11, 1831.

[APPROVED, Feb. 13, 1831.]

An ACT concerning Patrols.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty of the Captains of the several district companies within this Territory, to cause their respective districts to be divided into convenient Patrol districts, which divisions shall not be altered, unless by the consent of a majority of the officers of the said company, and in case the Captain of any district company, shall neglect to perform the duty herein before required of him, he shall forfeit and pay the sum of ten dollars, to be recovered before any magistrate, in said Captains district.

Patrol districts to be established

Sec. 2. Be it further enacted, That it shall be the duty of the commanding officers of each district company, to cause to be made out a roll for each Patrol district, which shall include the names of all the free white male inhabitants, above the age of eighteen years, residing within the said Patrol district; Provided, that nothing herein contained, shall be construed to compel any male inhabitant of any district to perform patrol duty, either in person or by substitute, who may have attained the age of forty-five.

Duty &c of
captains.

Sec. 3. Be it further enacted, That it shall be the duty of the commanding officers of each and every Captains company, at every regular petty muster, to prick off from the roll of each patrol district, at his discretion, any number of persons, who shall perform the duty hereinafter prescribed, until the next regular petty muster; and to every patrol, the commanding officer of the company, shall appoint some prudent and discreet person as commander, and in case the commanding officer of the company shall fail to prick off such patrol, he shall forfeit and pay the sum of ten dollars, for every such neglect, to be recovered before any Justice of the Peace;

Duty of the
commanders, &c

Sec. 4. Be it further enacted, That it shall be the duty of the commander of every patrol, at least as often as once a fortnight, to call out the patrol under his command, and to take up all slaves who may be found without the limits of their owners plantation, under suspicious circumstances, or at a suspicious distance therefrom, and to correct all such slaves by a moderate whipping with a switch, or cowskin, commonly called *cowhide*, not exceeding twenty nine lashes, unless the said slave shall have a ticket or letter, to shew the reasonableness of his or her absence, or shall have some white person in company, to give an account of the business of such slave or slaves—And if any white man shall beat or abuse any slave, quietly and peaceably being in his or her masters plantation, or found any where without the same, with a lawful ticket, he shall forfeit the sum of fifty dollars, to be recovered by the owner, and to his use by action of debt, besides being liable to the owner in an action of trespass for damages.

Powers &c
of commanders.

Patrols to
keep order.

Sec. 5. Be it further enacted, That the said patrols in their respective divisions, are hereby authorised and required, to enter into any disorderly house, or into any other house, vessel or boat, suspected of harboring, trafficking or dealing with negroes, whether the same be occupied by white persons, free negroes, mulattoes, mustizoes, or slaves, and to apprehend and correct all slaves found there, by whipping, as herein before directed, and the said patrols are moreover authorized and required, to give information of such white person as may be found in such house, vessel or boat, and to detain in their possession, such produce or articles for trafficking, as may be found in such house, vessel or boat, if such detention be authorized by any three freeholders, or by any justice of the peace, until the same shall be recovered according to law: And the said patrols are moreover authorised and required, to disperse all assemblies of slaves, where three in number or more, may have assembled together, under any pretext whatever, except for ordinary labor, without at least two respectable white persons being with them, who will give satisfactory assurances of their orderly conduct, and should it be necessary for the purposes herein mentioned, the said patrols may correct said slaves so assembled, by whipping, not exceeding thirty-nine lashes.

Fine, &c. **Sec. 6. Be it further enacted,** That the commander of every patrol, shall have power to keep the men under his command, in good order and demeanor, during their term of service, and in case any patrol man shall misbehave himself, or neglect or disobey the orders of his commander, he shall be subject to a fine of not more than two dollars, to be imposed by the company court martial, to which such offender shall belong, or before any justice of the peace, to be paid to the county, for the use of the county.

Sec. 7. Be it further enacted, That if any captain of a patrol shall act disorderly while on duty, so as to defeat the orderly performance or execution of the patrol laws, agreeable to the true intent and meaning thereof, he shall be liable to be returned by any of the members of his patrol, or other persons competent to give evidence to the commanding officers of the district or any justice of the peace in the district, who shall order a court martial for such trial, and upon sufficient evidence being given of the charge, such captain of the patrol, shall be fined in the sum of five dollars, to be recovered and applied as aforesaid, to the use of the county.

**Substitute
allowed.** **Sec. 8. Be it further enacted,** That it shall be lawful for any person or persons, hereby declared liable to perform patrol duty, to send any able bodied white man, between the ages of eighteen and sixty, to perform patrol duty for him or them, and if any patrol man, shall neglect or refuse to perform the duty required of him by this act, or procure a substitute to perform the same,

without a legal excuse, he shall forfeit and pay a fine of two dollars for each and every default; recovered as aforesaid, before a court martial of the company of which the offender may be a member, or before a justice of the peace, to the use of the county, for county purposes: And in all cases where a substitute is provided, the person employing him, shall be liable for his default.

Sec. 9. Be it further enacted, That each captain of patrol, shall make a return upon oath, of the performance of the duties of his office, as commander of such patrol, to the captain or officer commanding the district company, at the regular time required by this act, under the penalty of a fine of ten dollars, to be recovered as aforesaid.

Sec. 10. Be it further enacted, That it shall be lawful for any person or persons, who may be engaged in dispersing any unlawful assembly of slaves, free negroes, mulattoes or mustizoes, to enter into all such places, as the said persons may be assembled at, and if resisted, they may break open doors, gates or windows.

Sec. 11. Be it further enacted, That it shall be the duty of the captain or commanding officer of each company, to read this act to his company, at least once in twelve months.

Sec. 12. Be it further enacted, That nothing herein contained, shall be so construed, as to deprive the corporate authorities of any incorporated town, of any power heretofore vested in them, to regulate and order out patrols within the limits of such corporation.

Sec. 13. Be it further enacted, That if any person or persons, shall commence an action against any patrol or other persons, for any trespass by him committed, in carrying the provisions of this act into execution, and at the trial thereof, shall fail to recover any damages, he, she or they, shall be liable and adjudged to pay to the party so sued, treble costs.

Sec. 14. Be it further enacted, That in counties where the militia has not been organized into captains companies, it shall be the duty of the justice of the peace, in said district, or if there be no justice of the peace, then the justice of the next adjoining district, to make the same provision for the appointment of patrols, under the same penalty as is prescribed in this act against captains of districts.

Sec. 15. And be it further enacted, That all laws that are now in force in this Territory, on the subject of patrols, be, and the same are hereby repealed.

Passed, Feb. 7, 1831.

[APPROVED, Feb. 10, 1831.]

Captain to
make re-
turns, &c.

place to be
entered.

This act to
be read to
companies.

Failing to
convict pa-
trol of mis-
conduct.

Powers al-
lowed J. of
peace, &c.

Repealing
clause.

*An ACT for the relief of Ellen Foster.**Réamble,*

WHEREAS, it has been satisfactorily proved to this Legislative Council, that Nathaniel Foster of the county of Escambia, has for many years past, been in the habit of treating his wife Ellen Foster, with extreme cruelty, and has wholly failed to provide any means of support, for his said wife Ellen and her children, but has on the contrary, squandered and wasted the little property acquired by the hard labor of his said wife Ellen; and where-as the said Ellen Foster has petitioned this Council to be divorced from her aforesaid husband—Therefore, for the relief of the said Ellen Foster,

Marriage dissolved,

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract of the said Nathaniel Foster and Ellen Foster, be, and the same is hereby dissolved and annulled, and the said parties are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely and entirely, as if they, the said Nathaniel Foster and Ellen Foster, had never been married.

Passed Jan. 31, 1831.

[REJECTED by the Governor, Feb. 7, 1831.

Reconsidered by the Council, Feb. 7, 1831, and passed by a requisite majority.

*May establish ferry.**An ACT to authorise Stephen J. Roche, to establish and keep a ferry across Holmes Creek, in Washington county.**No other ferry allowed, &c.**To keep a good fleet.*

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Stephen J. Roche be, and he is hereby vested with the right and power of establishing a ferry, across Holmes' creek, at or near Merlet's Bluff, in the county of Washington, with the right to continue said ferry, for the term of six years, from and after the passage of this act.

Sec. 2. Be it further enacted, That it shall not be lawful, for any other person, or persons, to establish or keep a ferry, within five miles of the ferry, by this act provided for, unless the same shall be for his, her, or their own exclusive use, and not for the purpose of receiving tolls.

Sec. 3. And be it further enacted, That it shall be the duty of the said Roche, his heirs or assigns, at all times to keep in good repair, a flat boat of sufficient size to carry across said creek, a waggon and team, and that he, or they, shall be entitled to receive toll at said ferry, at such rate, as shall be established and prescribed by the county court of Washington county, or the legislative council.

Passed Feb. 1, 1831.

[APPROVED—Feb. 9, 1831.]

An ACT relating to the distribution of the Laws of this Territory.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Statutes of this Territory, shall be hereafter distributed, under the direction of the Governor, in the manner following, to-wit: To the President, and heads of departments, and attorney general of the United States, each one copy,—to the library of congress, two copies,—to the delegate in congress, one copy,—to the executive of every state and territory, each one copy,—to the governor and secretary of this territory, each one copy,—and also one copy for each of their officers,—to the several judges of the superior courts of this territory, each one copy, and also one copy to be left at each place where their courts are holden, to be kept by the clerk of said court for the use thereof,—to the clerk of the court of appeals, for the use of said court, five copies,—to the mayor of each incorporated city or town, each one copy,—to each incorporated college or academy, one copy,—to each member of the preceeding legislative council, and the chief clerk thereof, one copy,—to the treasurer, auditor, judges of county or other special courts, marshals, sheriffs, justices of the peace, district attorneys, clerks of superior courts, and clerks of county or other special courts, brigadier generals, and adjutant generals of militia, commanders of military and naval forces of the United States, at each port or station in this territory, and such other public officers of the United States or Territory, as the governor may deem necessary, each one copy; to be preserved by them for the use of their offices, and delivered on resignation, removal or discontinuance, to the clerk of the county, or county court, for their successors in office, and which duty shall be performed by their representatives in case of death.

Sec. 2. Be it further enacted, That after the distribution aforesaid, and retention of fifty copies in the executive office, for the use of the legislative council of the territory at their future sessions, it shall and may be lawful for the governor to direct the said publications to be held for sale at cost, under his directions, by the clerks of counties, or such other persons as he may appoint, so that the same may be distributed among the people generally, and the proceeds shall be paid by the persons making sale thereof, into the territorial treasury, and report thereof make to the governor when required.

Sec. 3. And be it further enacted, That it shall be the duty of the clerks of the counties, (if the governor shall deem it proper to appoint them) to distribute said publications, and to receive the same into their offices, and to give receipts therefor, to be filed in the secretary's office, and to deliver the same to the officers entitled to receive the same when called for, without fee, and to take receipts therefor, and each and every officer, so re-

Persons entitled to receive copy of the laws.

50 copies to be returned by the gov.

Clerks to distribute the laws.

ceiving such publication, shall be responsible for the same, and in case the same is not delivered up for the use of his successor in office, as before directed, he or his representative, as the case may be, shall forfeit and pay to the territory double the cost of said publication, to be sued for by the clerk of the county.

Passed, Feb. 10, 1831.

[APPROVED, Feb. 13, 1831.]

Former act
of divorce
repealed.

An ACT to repeal the act to divorce Mary Carter, from the bed and board of her husband, William Carter.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That "an act to divorce Mary Carter, from the bed and board of her husband William Carter," be, and the same is hereby repealed and annulled.

Passed, Feb. 12, 1831.

[APPROVED, Feb. 13, 1831.]

Preamble.

§ 2000 ap-
propriated.

Comm're.
appointed.

to purchase
lot, &c.

An ACT to provide for the building a Jail at Key West.

WHEREAS, the grand jury for the body of the county of Monroe, at the last term of the superior court held at Key West, did present, upon their oaths, the great want and necessity of a jail in said county; and it having appeared to the satisfaction of this house that criminals cannot be safely kept in custody, and taking into consideration the very great expense to the territory for guarding and feeding prisoners in said county: Now, therefore,

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That a sum of money not to exceed two thousand dollars, be appropriated, (and it shall be retained by the persons hereinafter named as commissioners) for the building of a jail and cistern, at Key West, in said county, from the territorial tax on auction sales in the town and county aforesaid, sufficient to build said jail, which shall be of sufficient dimensions and strength, and a cistern sufficiently large for the use of the same.

Sec. 2. *And be it further enacted,* That Lackland M. Stone and William A. Whitehead be, and they are hereby appointed commissioners to superintend and carry on the building of said jail and cistern at Key West, in the county aforesaid.

Sec. 3. *Be it further enacted,* That it shall and may be lawful for the said commissioners to purchase a lot of sufficient size, upon which to build the said jail and cistern, at such place in said town as they may think best suited for such purpose, the price of which shall not exceed two hundred dollars, and a good and sufficient title shall be taken by the commissioners in the name of the ter.

territory of Florida, whose property the same shall be and remain forever.

Sec. 4. *Be it further enacted,* That the said commissioners shall keep regular accounts of the receipts and expenditures of money which they shall from time to time receive and pay out for account of the building of said jail and cistern, and it shall be their duty, to make regular returns to the treasurer of the territory of all monies by them received, and expended for such purpose; and that they shall also be required to make a report to the legislative council at their next session, of the progress made in the building of said jail and cistern.

Sec 5. *Be it further enacted,* That the said commissioners shall give bond to the territory, in the sum of two thousand dollars each, for the faithful performance of the duties assigned them, and for the completion of the said jail and cistern within the term of two years after the passage of this act, the same to be taken and approved by the presiding justice of said county.

Sec. 6. *Be it further enacted,* That if any auctioneer in said county shall refuse or neglect, when called upon and required by the commissioners, to pay over to them any money which said auctioneer shall have collected and received as the territorial tax on auction sales, such auctioneer or his securities shall forfeit and pay a fine of one hundred dollars, to be applied to the purpose of building said jail and cistern; and the attorney of the territory shall forthwith institute suit against any such auctioneer and his securities, and prosecute the same to judgment, in any court in the territory having cognizance of the same.

Sec. 7. *And be it further enacted,* That this law shall take effect from its passage and shall continue in force until the jail and cistern aforesaid shall be completed.

Passed, Feb. 5, 1831.

[APPROVED, Feb. 10, 1831.]

Duty of the
comm'r's.

To give
bond, &c.

Actioneers
refusing to
pay, &c.

Whento be
in force.

An ACT concerning Practitioners of Medicine in this Territory.

Sec. 1. *Be it enacted by the Governor and the Legislative Council of the Territory of Florida,* That any individual desirous of practising medicine and surgery, in the Territory of Florida, shall be enabled to do so, by pursuing one of the following methods—First, he [shall] file in the office of the county court of the county in which he may intend to reside, a diploma from some medical college—Secondly, or he shall file in the office aforesaid, a certificate, signed by at least two practising physicians, residing in this Territory, who shall be regular graduates of some medical college—Thirdly, or he shall file in the office aforesaid, signed by some professor of a medical college, that they have attended one course of lectures in some one of the

What re-
quisite to
practice.

medical colleges aforesaid, and also a certificate from one of the physicians aforesaid.

Fine, &c.

Former act
repealed.

Sec. 2. Be it further enacted, That any individual failing to comply with the before recited provisions, and attempting to practice medicine or surgery, shall on conviction thereof, be fined in a sum not less than fifty dollars, or more than two hundred dollars, at the discretion of the jury.

Sec. 3. And be it further enacted, That the act of the legislative council, entitled "an act to establish and incorporate a Medical Board in and for the Territory of Florida," be and the same is hereby repealed.

Passed, Feb. 5, 1831.

[APPROVED, Feb. 10, 1831.]

An ACT for the relief of Susan Martino.

Preamble

Marriage
dissolved.

WHEREAS, it appears to the satisfaction of this Council, that Peter Martino, has violated his conjugal fidelity to his wife Susan Martino, formerly Susan Roan, and has wholly abandoned his said wife—Therefore,

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the said Susan Martino, be henceforth divorced from the bands of matrimony, from her said husband, and the marriage contract of the said Susan and Peter, be, and the same is hereby absolutely annulled and dissolved, as fully as if they, the said parties, had never been married.

Passed Jan. 31, 1831.

[REJECTED by the Governor, Feb. 7, 1831.]

Reconsidered by the Council, Feb. 7, 1831, and passed by the requisite majority.

Former act
repealed.

An ACT to amend an act relating to Crimes and Misdemeanors committed by slaves, free negroes and mulattoes.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That so much of the ninth section of the act to which this is an amendment, as authorises justices of the peace to grant licenses to free negroes and mulattoes to carry fire arms, be, and the same are hereby, repealed.

Passed, Jan. 31, 1831.

[APPROVED, Feb. 7, 1831.]

An ACT concerning the Boundary Line of the county of Leon.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That an act, entitled "An act to establish the boundary line between Leon and Jefferson counties," approved the fourteenth day of November, one thousand eight hundred and twenty-nine; be and the same is hereby repealed.

Act of 1829
repealed.

Sec. 2. *Be it further enacted,* That the county of Leon shall comprise that part of the Territory comprehended within the following boundary lines, viz. On the west, beginning at a point on the Gulf of Mexico, where the line between range two and three, south and east, strikes the same; thence north with said range line to the south west corner of township one, range three, south and east; thence in a direct line to where the Mickasukie sinks; thence up said lake to the south boundary of township number three, range number three, north and east; thence up the lake to the eastern boundary line of section number thirty-four, in said township, number three; thence north with the eastern boundary lines of sections number thirty-four, twenty-seven, twenty-two, and fifteen, in said township, to the Georgia line; thence along the Georgia line to the present line between the counties of Leon and Gadsden; thence with the eastern boundary line of Gadsden to the Gulf of Mexico; thence along the Gulf to the beginning.

Passed, Feb. 12, 1831.

[APPROVED, Feb. 13, 1831.]

boundaries

An ACT relating to judgments and executions.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That judgments obtained in the several courts of this Territory, shall bear interest, at the rate of eight per centum per annum—And the clerks of the said courts, shall endorse upon all executions issued by them, the time when such judgments were rendered—Provided, that nothing herein contained, shall be construed, to alter the rate of interest heretofore fixed by law to banking institutions.

Judgments
to bear int

Sec. 2. *Be it further enacted,* That so much of the eight section of an act entitled "an act regulating executions," and approved 21st No^o, 1828, as gives a lien on personal property from the rendition of the judgment, be, and the same is hereby repealed—Provided, that nothing herein contained, shall operate a removal of liens, which have been obtained under existing laws.

Part of act
of 1828 rep.

Passed, Feb. 12, 1831.

[APPROVED, Feb. 13, 1831.]

An ACT regulating Pilots and Pilotage at Appalachicola.

*Comm'r's.
Appointed.*

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That D. L. White, Noadiah Marsh, E. J. Wood, Hezekiah Hawley, Elizur Lathrop, be, and they are hereby appointed commissioners of pilotage for the port of Appalachicola, with power to regulate rates and appoint pilots for said port, and to do and perform all matters relating thereto, which may be necessary and proper. Three of said commissioners shall be competent to nominate, appoint and license such persons, as they may think most fit to act as pilots for the conducting of vessels, inward and outward, from said port, during their good behavior. All vacancies in said board, shall be filled by appointment, made by the remaining members thereof.

*Who can
take fees.*

Sec. 2. Be it further enacted, That no person shall act as a pilot, or be entitled to ask or receive any fee, gratuity, or reward for conducting vessels inward to, or outward from said port, unless such person be properly licensed, agreeably to the provisions of this act; and any person offending against this section, shall be liable to pay a fine not exceeding one hundred dollars, to be assessed by the said board, who are hereby authorised to assess such fine, and empowered to coerce the payment thereof, by such means as are necessary, either by warrant or execution.

*To give
bond, &c.*

Sec. 3. Be it further enacted, That the person or persons, applying for such license, shall not receive the same, until he or they, shall have given bond with good and sufficient security, or securities in the sum of one thousand dollars, payable to the Governor of this Territory, conditioned for the faithful performance of the duties required of him, or them; which said bond shall be taken by said commissioners, and filed in the office of the clerk of the court of common pleas, and Oyer and Terminer of the town of Appalachicola—And shall also take an oath or affirmation, well and truly to execute and discharge all the duties required of him, or them, (as the case may be.)

*Penalty for
neglect of
pilots, &c.*

Sec. 4. Be it further enacted, That if any vessel, or the cargo thereof, be injured or damaged, or lost through the neglect, default or insufficiency of any pilot appointed by said commissioners, after such pilot takes possession of said vessel, the party injured may apply to the court of common pleas, and Oyer and Terminer of said town, and obtain a certified copy of the bond filed by such pilot, and shall be entitled to institute suit thereon, and recover of such pilot and his securities, any amount, not exceeding the penalty of the bond, which the jury trying the case may assess.

*Duty of the
Comm'r's.*

Sec. 5. Be it further enacted, That the said commissioners shall have power and authority to remove any pilot they may think necessary, who shall become incapable of acting, or be negligent, or misbehave in his duty; and such pilot so removed,

shall not have authority to act as pilot under the pains and penalties prescribed and imposed in the second section of this act.

Sec. 6. *Be it further enacted*, That all bye-laws made and ordained by said commissioners, regulating the rates and manner of collecting pilots fees, and the manner of compelling masters of vessels to receive pilots on board when applied to, be and the same are declared to be as valid as if the same were the act of the council: *Provided*, the same be not repugnant to, or inconsistent with, the laws of the United States and of this territory.

Sec. 7. *And be it further enacted*, That all laws and parts of laws, heretofore passed, repugnant to, or in anywise contravening the provisions of this act be, and the same are hereby, repealed, and that nothing in this act shall be construed to impair the right of the legislature of this territory to repeal, alter or modify the same.

Passed, Feb. 7, 1831.

[REJECTED, by the Governor, Feb. 10, 1831.
Reconsidered by the Council Feb. 13, 1831, and passed by the requisite majority.]

By-laws
made valid

Repealing
clause.

An ACT to extend the Laws over the Indians within the Territory of Florida.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That all the laws now in force, or which may be hereafter enacted, of a general and not local nature for the government of the people of Florida, shall be taken, held, and construed, to extend, operate, and govern, as well within all settlements of Indians, residing within the limits of this territory, as without such settlements.

Sec. 2. *Be it further enacted*, That the judges of the superior courts of this territory, shall have cognizance of all matters of controversy, either in law, or in equity, which may arise within any of said Indian settlements, whether the said Indians be parties thereto, or any one or more of them, and any citizen or citizens, inhabitant, or inhabitants, of this territory, in like manner and under the same rules, and regulations of practice, as are prescribed in law, for said courts, and the rules of evidence shall be the same in cases, which may arise under this act, as are at present prescribed in law.

Sec. 3. *Be it further enacted*, That the venue and trial in all cases which may arise under the provisions of this act, shall be at the same place, or places (as in other cases in which the inhabitants of the respective counties,) in which the said Indian settlements may be, as parties are accustomed, or required by law, to transact similar business.

Sec. 4. *Be it further enacted*, That in all cases arising under the provisions of this act, where the matter in controversy, shall not exceed the sum of one hundred dollars, the justice's of the

Laws ex-
tend'd over
the Indians

S. Court to
have cogni-
zance, &c.

Venue

Jurisdiction
of J. peace

peace residing in any county, in which any such Indian settlement may be located, shall have like jurisdiction as is or may be given to them under the laws of this territory in other cases.

Duties of marshals.

Sec. 5. *Be it further enacted*, That all marshals, sheriffs, constables, and other executive officers, of all and every court of this territory, having process properly emanating from any of their respective courts, requiring to be executed within any of said Indian settlements, shall have power, and are hereby authorised and required, to enter any of said settlements, for such lawful purpose or purposes.

Penal laws to be extended over Indians.

Sec. 6. *Be it further enacted*, That all laws of a penal nature, in force in this territory, are hereby expressly declared to be in force in each and every of the Indian settlements, in the first section of this act referred to.

Repealing clause.

Sec. 7. *And be it further enacted*, That all laws and parts of laws, heretofore passed by the legislative council of this territory, repugnant to the provisions of this act be, and the same are hereby repealed.

When in force.

Sec. 8. *Be it further enacted*, That this act shall not become a law, or in anywise operate, until specially approved by congress.

Passed, Feb. 9, 1831. [APPROVED, Feb. 11, 1831.]

Marriage dissolved.

An ACT for the relief of Judith Cain, formerly Judith Crosby.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the marriage contract, between Dempsy Cain and Judith Cain, be, and the same is hereby dissolved and annulled, and the said Dempsy Cain and Judith Cain, formerly Judith Crosby, are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely and entirely, as if they, the said Dempsy Cain and Judith Cain, formerly Judith Crosby, had never been married.

Passed Feb. 12, 1831.

[REJECTED by the Governor, Feb. 13, 1831.
Reconsidered by the Council, Feb. 15, 1831, and passed by the requisite majority.]

Declared navigable.

An ACT to declare Spring Creek, commonly known as Robinson's Spring creek, in Jackson county, a navigable stream.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Spring creek, commonly known as Robinson's spring creek, in the county of Jackson, is hereby declared, and hereafter to be recognised in law, as a navigable stream up to its source.

Comm'ts. appointed.

Sec. 2. *Be it further enacted*, That William Robinson, James W. Exum, and Richard H. Long, be, and they are hereby ap-

pointed commissioners, who, or a majority of them, shall have full power and authority to direct, and superintend, the opening and removal of any obstruction in said creek, and they are hereby declared to have full power and authority, to do and perform all acts and doings, that shall become necessary to effect the same.

Sec. 3. Be it further enacted, That it shall not be lawful to erect any bridge, or other impediment across said creek, or to make any obstruction therein, by which the free navigation thereof may be obstructed, and all such bridges, impediments, or obstructions, are hereby declared common nuisances, and may be proceeded against, and removed as such; and if any person, or persons, shall raise, create, or build, any such bridge, impediment or obstructions, he, or they, shall be liable to double the damages sustained by any person, or persons, by reason thereof, and shall also be liable to indictment, for a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding five hundred dollars; Provided, however, that this act shall not prevent the erection of any bridge or other works, which shall not obstruct the free navigation of said creek, for boats laden with cotton, or other produce.

Sec. 4. And be it further enacted, That this act shall be in force, from and after its passage.

No obstruc-
tions to be
placed in
the stream.

When in
force.

Passed, Feb. 12, 1831.

[APPROVED, Feb. 13, 1831.]

An ACT to amend an act, to incorporate the city of Tallahassee.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Intendant, and city Council of the City of Tallahassee, shall have power and authority to drain swamps by canal or otherwise, and remove such obstructions, as may be considered prejudicial to the health of said city, within the same, and without, to the extent of one mile, in any direction; Provided that if it should be necessary, to pass thro' any individuals enclosures, without the city of Tallahassee, for the above recited purpose, that the party who considers himself aggrieved, shall have the right, to have such damage assessed by a jury of twelve freeholders, of the county of Leon, residing without the city of Tallahassee; and such damage as they award shall be paid by the city of Tallahassee, together with such other expenses, as may accrue in summoning said jury.

Corporator-
powers.

Sec. 2. Be it further enacted, That the jury shall be summoned by a constable of the district, on a warrant of any justice of the peace, directed to him for that purpose, in the same manner as is now provided by law, in justices' courts, and the jury shall make their return sealed up, to said justice, upon whose verdict, the justice shall issue execution as in cases of debt.

Duty of the
constable.

Present
charter con-
tinued.

Sec. 3. Be it further enacted, That the present charter of incorporation, for the city of Tallahassee, shall be continued in force, for, and during the term of ten years, from the passage hereof, any law to the contrary notwithstanding.

Passed, Feb. 13, 1831.

[APPROVED, Feb. 13, 1831.]

An ACT to dissolve the marriage contract between Mahala T. Waugh and William Waugh.

Preamble.]

WHEREAS, it has been proved to the satisfaction of this Legislative Council, that William Waugh, late of the town of Magnolia, has for some time past, withdrawn his protection and support, and entirely abandoned his lawful wife, Mahala T. Waugh, who before her marriage to the said Waugh, was named Mahala T. Cotton, and that during the short stay, which he made with her, did very much abuse and ill treat her, the said Mahala his wife, and the said Mahala T. Waugh, having been a resident within this Territory for the last three years, (at least,) and having petitioned this Legislative Council to be divorced from her husband William Waugh—Therefore, for the relief of her, the said Mahalah T. Waugh, formerly Mahala T. Cotton,

Marriage
dissolved.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract entered into, between William Waugh, and Mahala T. Waugh, formerly Mahala T. Cotton, be, and the same is hereby dissolved, and annulled, and the said William Waugh, and Mahala T. Waugh, formerly Mahala T. Cotton, are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely and entirely, as if they, the said William Waugh, and Mahala T. Waugh, formerly Mahala T. Cotton, had never been married.

Passed Jan. 28, 1831.

[REJECTED by the Governor, Feb. 2, 1831.

Reconsidered by the Council, 5th Feb. 1831, and passed by the requisite majority.

An ACT to amend an act entitled "an act to incorporate the Town of Magnolia."

Certain sec-
tions of act
of 1-23 re-
pealed.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the fifth section and seventh section of an act entitled "An act to amend an act to incorporate the town of Magnolia," be and the same is hereby repealed; and the sixteenth section of the act to incorporate the town of Magnolia, approved the twelfth day of November, 1828, be revived—and said sixteenth section shall be and remain in full force, from and after the passage of this act.

Passed, Feb. 9, 1831.

[APPROVED, Feb. 11, 1831.]

An ACT to incorporate the Jackson Spring, in Hamilton county.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That John Lee, Jas. T. Hoöker, W. B. Hooker, Jos. Bryant, and Jas. D. Prevatt be, and they are hereby, created a corporation and body politic, by the name of the "Commissioners of Jackson Spring," and by said name nad style, may sue and be sued, plead and be impleaded, and do and perform all acts and things necessary for a corporation to do, for the purposes hereinafter mentioned.

Sec. 2. Be it further enacted, That the said commissioners shall at their first regular meeting appoint one of their number chairman of their board, who shall preside at all their meetings, unless he be absent, in which case the commissioners present shall nominate a chairman for the time being: *Provided*, that three of said commissioners shall constitute a quorum for the transaction of business.

Sec. 3. Be it further enacted, That the said commissioners shall have power to pass all such bye-laws, and ordinances as may be deemed necessary for the preservation of good order, and the suppression of indecent and immoral conduct within the limits of the corporation hereby created; and to impose upon, and collect, of all offenders, against said bye-laws, such fines as they in their discretion may see fit to prescribe: *Provided*, the same shall not exceed twenty dollars, and that said bye-laws be not repugnant to the constitution and laws of the United States, or the laws of this territory.

Sec. 4. Be it further enacted, That all fines collected by said corporation shall be applied to such charitable purposes as said commissioners shall determine: *Provided, however*, that said board shall have the power, if they see proper, to appoint a marshal, who shall receive such compensation for his services, to be paid out of the funds arising from fines, as said board may direct.

Sec. 5. And be it further enacted, That said corporation shall extend one mile, in each and every direction, from the Spring, in the county of Hamilton, known as the Jackson Spring.

Passed, Feb. 4, 1831.

[APPROVED, Feb. 9, 1831.]

An ACT to dissolve the marriage contract between Emeline Brenizer and Amos E. Brenizer.

WHEREAS, it has been satisfactorily proved to this legislative council that Amos E. Brenizer, formerly a resident of Jackson county in the territory of Florida, has withdrawn his support and protection, and has entirely deserted his lawful wife Emeline Brenizer, who before her marriage with the said Amos E. Brenizer, was named Emeline Richmond, and that he has been un-

Comm's appointed

To appoint
chairman.

Powers of
comm's.

Appropria-
tion of fines

Corporate
limits.

Preamble

kind to his said wife, and unfaithful in his vows of fidelity, having left her in sickness with a determination never to return; And, whereas, the said Emeline Brenizer has petitioned to be divorced from her aforesaid husband: Therefore, for the relief of the said Emeline Brenizer,

§ 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract of the said Amos E. Brenizer and Emeline Brenizer, formerly Emeline Richmond, be and the same is hereby dissolved and annulled, and the said Amos E. Brenizer and Emeline Brenizer, formerly Emeline Richmond, are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely, and entirely, as if they the said Amos E. Brenizer and Emeline Brenizer, formerly Emeline Richmond, had never been married.

Passed, Jan. 26, 1831.

[REJECTED by the Governor, Feb. 2, 1831.

Reconsidered by the Council Feb. 5, 1831, and passed by the requisite majority.

Mariage dissolved.

Statutes to be published

Gov. authorised to draw for & pay out the appropriation.

Mode of distribution

AN ACT to provide for the compilation and publication of all the Statutes of this Territory.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all the statutes of this territory, from its organization until the expiration of this session, be published in one volume, and that James D. Westcott, junior, and John P. Booth, esquires, be appointed to compile the same, and to direct and superintend the publication thereof, when the necessary appropriation shall have been made by congress therefor.

Sec. 2. Be it further enacted, That whenever the necessary appropriation shall have been made by congress, and upon the person or persons with whom the said compilers and the governor may contract for the printing of said volume, entering into bond to the territory in the sum of fifteen hundred dollars, with security to be approved of by the governor, conditioned for the faithful performance of said contract, the governor shall be authorised to draw for and advance to the said person or persons such part of said appropriation as he may deem necessary to further the publication of said laws, and upon the fulfilment of said contract, and the delivery of seven hundred and fifty copies of said volume half bound, for the use of the territory, to the governor, he shall also draw for and pay them the balance due them by virtue of said contract.

Sec. 3. Be it further enacted, That the said laws, when received, shall be distributed by the governor in the manner prescribed by law, for the distribution of the annual publications of the laws of this territory.

Passed, Feb. 3, 1831.

[APPROVED. Feb. 3, 1831.]

An ACT to authorise Hector W. Braden to make a canal through the Natural Bridge of the St. Marks river.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Hector W. Braden, his heirs or assigns, shall have a right to construct a canal on the natural bridge of the St. Marks river at Rockhaven, to connect the waters of the said river for the transportation of produce, merchandize and other articles, and may commence and terminate the said canal at any point upon the said bridge which may be best suited to the accomplishment of the said object.

H. W. Braden authorised to construct canal

Sec. 2. Be it further enacted, That it shall be the duty of the said H. W. Braden, his heirs or assigns, to commence the work for the construction of the said canal within the term of two years, from the passage of this act, and to complete the same within three years thereafter; and if the said H. W. Braden, his heirs or assigns, shall fail to commence the said work within the time aforesaid, or after having begun the same, shall abandon or neglect it for the term of twelve months at any one time, or if after the said work has been completed, shall permit the same to be unfit for the passage of boats drawing fifteen inches water, and remain so for twelve months without any attempt to repair the same, then in either of said events the privilege herein granted shall be withdrawn, unless the operations on the same have been suspended from high or low water, or any other unavoidable cause.

When to be commenced.

Sec. 3. Be it further enacted, That the said H. W. Braden, his heirs or assigns, shall have a right to demand and receive tolls and fees for transporting produce, goods or other articles, or for permitting boats or other crafts to navigate and pass through said canal, at the rate of four cents for every hundred pounds weight that may be transported through said canal; and all produce, merchandize, or other articles or things, transported or conveyed through said canal, shall be liable for said tolls and fees, and may be detained until the same are paid.

Tolls.

Sec. 4. Be it further enacted, That in making the said canal it shall be lawful for the said H. W. Braden, his heirs or assigns, to enter upon and take possession of any lands whatever, whether covered with water or not, which may be necessary for the prosecution and completion of the said work, or whereupon it may be necessary to construct any dam, or open any canal, or erect any embankment, lock or other fixtures intended or implied by this act; *Provided*, that no land owned by private individuals shall be taken for said purposes without adequate compensation.

May take possession of lands.

Sec. 5. Be it further enacted, That whenever it shall become necessary for the said H. W. Braden, his heirs or assigns, to take possession of and use any land, timber, stone or other materials, owned by private individuals, for the route and site of said works,

Writ of ad
quod dam-
num.

or for the construction and keeping in repair the same, or any part thereof, and the parties do not agree upon the value of the same, it shall be lawful for the said H. W. Braden, his heirs or assigns, to apply to the judge of the county court of the county in which such lands, or materials may be, for a writ of *ad quod damnum* directed to the sheriff, marshal, or other officer of said county, to summon five disinterested persons, of lawful age and housekeepers, to meet and value said property upon oath, to be administered to them by the judge, sheriff, marshal, or other officer, summoning the same, whose duty it shall be to attend said inquest in person and receive their report, and also receive from the said H. W. Braden, his heirs or assigns, the sum or sums adjudged by said report, and to pay over the same to the persons authorised to receive it.

Exclusive
privilege.

Sec. 6. Be it further enacted, That if the said H. W. Braden, his heirs or assigns, shall commence and complete the canal herein described, within the stipulated time, that no other person shall be permitted to make any canal over or around the natural bridge before mentioned, to the injury of said canal; and that nothing contained in this act shall be construed to impair the right of the legislature of this territory to repeal, alter and modify the same.

Passed Feb. 10, 1831.

[REJECTED by the Governor, Feb. 13, 1831.

Reconsidered by the Council, Feb. 13, 1831, and passed by a requisite majority

May estab-
lish ferry.

An ACT to authorise J. W. Robarts to establish a ferry across the Suwannee river.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That J. W. Robarts be, and he is hereby, vested with all the rights, and charged with all the duties, of establishing and keeping a ferry at Suwannee river, between Charles' ferry and the mouth of the Withlacoochee river that may be most eligible; and the said J. W. Robarts, his heirs, executors, administrators and assigns be, and remain for the term of ten years, vested and charged with the rights and duties aforesaid.

Exclusive
right, &c.

Sec. 2. Be it further enacted, That it shall be unlawful for any person, or persons, whatsoever, to establish or keep a ferry within five miles of this ferry, by this act provided for, unless the same be for his, her or their own exclusive use, and not for the purpose of gathering or receiving toll.

Tolls, &c.

Sec. 3. Be it further enacted, That it shall be the duty of the said J. W. Robarts, his heirs, executors, administrators and assigns, at all times to have, and keep in good repair, a flat-boat of sufficient dimentions to carry across said river a loaded wag-

1

on; and that they shall be entitled to receive at the said ferry toll at such rates, and shall be subject to such regulations, as may be established by the county court of the county of Alachua and the legislative council.

Passed, Feb. 11, 1831.

[APPROVED, Feb. 13, 1831.]

An ACT to incorporate the town of Monticello, in Jefferson county.

Sec. 1. *Be it enacted by the Governor and the Legislative Council of the Territory of Florida,* That all the free white male inhabitants of the age of twenty one years, and over, comprehended within the west half of north west quarter of section thirty, township two, range five, north and east, and their successors, be, and remain for the term of five years, a body corporate, by the name and style of the "Town of Monticello," and by their corporate name, may sue and be sued, implead and be impleaded, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, or dispose of the same for the benefit of the said Town.

Town incorporated,

Sec. 2. *Be it further enacted,* That the government of said Town, shall be vested in an intendant and five council-men, each of whom shall have the qualification of having resided three months within the limits aforesaid, in order to fill either of said offices.

Duties, &c.
of council-
men.

Sec. 3. *Be it further enacted,* That the intendant shall have the power, and exercise all the duties, and may receive the fees of a justice of the peace within the said corporation.

Powers of
intendant,

Sec. 4. *Be it further enacted,* That the said intendant and town council shall have full power and authority, to prevent and remove nuisances, to license and regulate retailers of goods and liquors and taverns; to restrain or prohibit all sorts of gaming, to license and regulate public amusements, to establish and regulate markets, to direct the safe keeping of the standard of weights and measures, appointed by Congress, to regulate burial grounds, to sink wells, and take care of the same, to erect and repair pumps, in the streets and public squares, to erect and repair market houses, and public scales within the aforesaid limits, to establish and regulate patrols, to regulate the storing of gunpowder, to restrain and prohibit tippling houses and lotteries, to provide for the establishment of public schools, and superintendance of the same, to restrain and punish vagabonds, and disorderly persons, to keep in repair all necessary streets, to restrain and punish the disorderly conduct and offences committed by negroes and mulattoes, to lay and impose taxes, and provide for the collection of the same, to impose and appropriate fines, and penalties, and forfeitures, for breach of their ordinances and bye-

By-laws.

laws. Provided, no ordinance or bye-law shall take effect until ten days after its promulgation, and generally to provide for the interior police, and good government of said Town.

Sec 5. *Be it further enacted,* That all ordinances and byelaws, shall be signed by the intendant and attested by the clerk, and shall be published at least ten days, at the door of the court-house in said town.

Attendance
of members

Sec. 6. *Be it further enacted,* That the said intendant, and council, shall have power to compel the attendance of its members, and to judge of the election returns, and qualification of the intendant and its members; and the yeas and nays on any question, shall at the request of any two members, be placed on the record.

Manager of
elections

Sec. 7. *Be it further enacted,* That the intendant and council-men, shall be elected by ballot on the fourth Monday in February, in each and every year, at the court-house in said town, and that they shall in all cases, continue to exercise their respective functions, until their successors shall be elected and qualified to serve.

Term of of-
fice, &c.

Sec. 8. *Be it further enacted,* That the person having the greatest number of votes, and who was voted for as intendant, shall be declared, and the persons having the greatest number of votes, and who were voted for as council-men, shall be declared—and they shall hold their offices for the term of one year.

Power to
fill vacan-
cies.

Sec. 9. *Be it further enacted,* That the said intendant shall be president of said council, and in case of his death, resignation or removal, the council shall elect an intendant to fill such vacancy, until the next annual election, and also in case of the death, resignation or removal of either of the council-men, the intendant shall fill such vacancy by appointment, until the next annual election.

Oath to be
taken, &c.

Sec. 10. *Be it further enacted,* That it shall be the duty of said intendant, to see that the ordinances and bye-laws of said council are duly executed, and to call a meeting of the council-men, whenever in his opinion, the public good may require it; that said intendant shall within five days, take an oath or affirmation before any judge, or justice of the peace, of this Territory, "That he will to the utmost of his power, support, advance and defend the interest, peace and good order of the town of Monticello, and faithfully and diligently discharge the duties of intendant of said town, during his continuance in office; and that he will support the constitution of the United States,"—and he shall within the aforesaid time of five days after the election, convene the council-men elect, and administer to each of them an oath or affirmation, similar to that taken by himself.

Quorum.

Sec. 11. *Be it further enacted,* That the intendant and three of the council-men shall form a quorum for the transaction of business.

Sec. 12. *Be it further enacted,* That the said council shall have power to appoint a treasurer and clerk, and such other officers as to the said council may deem necessary, to carry into effect the powers and regulations by this act given to, or imposed upon, the said town council; and the said council shall keep regular records of their proceedings, ordinances, bye-laws, and regulations; and they shall hold their meetings in public, and at such times and places as may seem fit, and in the absence or disability of the intendant a majority of the council may on any occasion appoint from among their number an intendant, who shall have power, pro. tem., to do the duties of intendant: *Provided, however,* that the council may sit with closed doors whenever they may deem the public interest requires it.

To appoint
treasurer,
clerk, &c.

Sec. 13. *Be it further enacted,* That the said intendant and council shall have power and authority to appoint a constable, whose duty it shall be to serve all processes emanating from the said corporate body, and to suppress all riots, routs, affrays, and breaches of the peace, contrary to the good order of society, and for this purpose, he is hereby invested with all the authority, rights and privileges, of the constables of the several magistrates districts in this territory: *Provided, however,* such constable shall, before he enters upon the duties of his office, give bond and security, payable to said corporate body, in such sum as the intendant and councilmen shall think fit, for the faithful performance of the duties of his office: *And provided, further,* that said constable, shall receive, exact or claim, no other or greater fees for his services than are provided in similar cases by law.

Constable
duties, &c.

Sec. 14. *Be it further enacted,* That all free white male citizens of the age of twenty-one years, residing within the limits of said town, shall be entitled to vote in the election for intendant and councilmen of said town.

Right of vo
ting.

Sec. 15. *Be it further enacted,* That the first election for intendant and councilmen under this act, shall take place on the fourth Monday in February 1831, and that said election shall be held under the superintendance of three inspectors, whose duty it shall be to receive the votes, and to cause the name of every voter to be taken down and kept in a book for that purpose, and to cause the poll to be opened and kept open from ten o'clock, a. m. until four, p. m., when the ballots shall be told, and the names of the several persons voted for as intendant and councilmen, having the greatest number of votes shall be declared and notice of their election given to each of them.

Manner of
election.

Sec. 16. *Be it further enacted,* That it shall be the duty of the intendant, at all annual elections, to give ten days notice of such election, and to appoint three inspectors, and give them notice of their appointment, whose duty it shall be for them or any two of them to manage said election as prescribed in section fifteen.

Notice of
election.

Inspectors
of election.

Sec. 17. *Be it further enacted*, That Jas. L. Parish, L. B. Harbour, and Stephen M. Tibbets be, and they, or any two of them, are hereby appointed inspectors to superintend the election for intendant and councilmen on the 4th Monday in February, 1831: *Provided*, that nothing hereby enacted shall be construed to exclude the legislature of this territory from the right to repeal, alter or modify, this act as it may deem proper.

Passed, Feb. 4, 1831.

[APPROVED, Feb. 10, 1831.]

An ACT to amend an act entitled, "an act to incorporate the Town of Quincy, approved November 21st 1828.

M of police
to deliver
books, &c.

§ 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty of the magistrate of Police, for the town of Quincy, at the expiration of his term of service, to deliver to his successor in office, all books, papers, receipts, vouchers, moneys and effects in his hands belonging, or in any wise appertaining to the incorporation of said Town.

Sec. 2. Be it further enacted, That it shall be the duty of the magistrate of police of said Town, to publish all ordinances of a general and public nature at the court-house door, or some other public place within the limits of the corporation, at least three days previous to their going into operation.

Holding of
elections.

Sec. 3. Be it further enacted, That if the commissioners of said Town from any causality, omission, or neglect, shall hereafter fail to hold an election according to the provisions of the second section of the act, to which this is an amendment, or the justice of the peace residing within the limits of the corporation, shall neglect or refuse to appoint three discreet persons, citizens of said Town, to hold an election, as provided for in said section, then and in that case, upon the application of two or more citizens, residing within the limits of the incorporation, to the presiding justice, or judge of the county court, as the case may be, it shall be, and it is hereby made his duty to appoint three discreet persons within the limits of the corporation, to hold an election for Town commissioners, agreeable to the proviso contained in the second section of the aforesaid act; *Provided*, that no person shall be permitted to vote at said, or any election, for the election of commissioners of said town, who shall not have been a citizen or resident of said town, for at least six weeks previous to the day of election.

Comm'r's
appointed.

Sec. 4. Be it further enacted, That if no lawful election has been held for the election of commissioners for said town, to serve during the present year, it shall forthwith be the duty of the justice of the peace, residing within the limits of the incorporation,

of said town, to appoint three discreet persons to hold an election according to the provisions of the second section of the act, to which this act is an amendment, and in case he fails or neglects to do so, it shall be the duty of the presiding justice to do the same.

Sec. 5. *Be it further enacted*, That the magistrate of police, shall have no power to inflict punishment by imprisonment, except for contempt to him, while acting in his official capacity: but for the collection of all fines, penalties, dues and demands, had or accrued, or which may, or shall hereafter accrue, or become due and owing to said incorporation, it shall be his duty to issue an execution under his own hand and initials of office, which shall have the same force and effect, and be proceeded upon in the same way as executions issuing from justices' court: Provided, that in no case where the magistrate of police shall inflict a fine for the violation of any of the ordinances of the incorporation of said town, shall the offender be permitted to plead the same in bar, or excuse, (if the offence be indictable) before any court of record, having jurisdiction thereof.

Sec. 6. *Be it further enacted*, That if any person charged with the violation of any ordinance of the incorporation, shall think himself aggrieved by the decision of the magistrate of police, he shall have the right of appeal to the county court upon complying with the rules and regulations, regulating appeals from the justices to the county court.

Sec. 7. *And be it further enacted*, That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, be, and the same is hereby repealed, and that this act shall take effect from and after its passage; Provided, that nothing in this act shall be construed to impair the right of this Legislature to alter, modify, or repeal the same.

Passed Feb. 7, 1831.

[APPROVED—Feb. 11, 1831.]

Powers &
duties of M.
of police.

Right of
appeal.

Repealing
clause.

An ACT to amend the several acts incorporating the towns of Marianna and Webbville in Jackson county.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the corporate limits of the towns of Marianna and Webbville shall extend on every side one mile from the public squares in said towns, and that the corporate authorities shall have and exercise within said limits all the rights and powers heretofore exercised in any part of said towns.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the municipal authorities of said towns to appoint annually in each place, five persons, resident therein, who shall be required to perform the duties of patrols in said towns, for and

Limits, &c

Patrols'

During the term of one year from their appointment, under such rules and regulations as said corporations may impose, and the persons so appointed shall be exempt from militia duty, and from working on roads and streets.

Passed, Feb. 9, 1831.

[APPROVED, Feb. 11, 1831.]

An ACT establishing a ferry over Black Creek, in Duval County.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Samuel Y. Garey, be, and he is hereby vested with all the rights, and charged with all the duties of establishing and keeping a ferry at Black Creek, where the main road now passes or may hereafter pass: as also a ferry at the fork of the said Black creek, or some point on the south prong of said Black Creek, that may be most eligible; and the said Samuel Y. Garey, his heirs, executors, administrators and assigns be, and remain for the term of ten years, vested and charged, with the rights and duties aforesaid.

Sec. 2. Be it further enacted, That it shall be unlawful for any other person or persons, to establish or keep a ferry within seven miles of the ferry or ferries, by this act provided for, unless the same be for his, her, or their own exclusive use, and not for the purpose of gathering or receiving toll.

Sec. 3. And be it further enacted, That it shall be the duty of the said Samuel Y. Garey, his heirs, executors, administrators and assigns, at all times to have and keep in good repair, a flat boat of sufficient dimensions to carry across said creek a loaded waggon, and that they shall be entitled to receive at the said ferries, toll at such rates, and shall be subject to such regulations, as may be established by the county court of the county of Duval, and the Legislative Council.

Passed, Feb. 8, 1831.

[APPROVED, Feb. 11, 1831.]

An ACT to amend the act regulating Criminal proceedings.

Be it enacted by the Governor and Legislative Council of the Territory of Florida. That from and after the passage of this act, the attorney's of the United States in this Territory shall respectively have power to appoint a deputy or deputies in each of the counties of this Territory, which said deputy or deputies, so long as he or they may remain in office, shall have and exercise the same powers as the said attorney's themselves have under the laws of this Territory.

Passed, Feb. 1, 1831.

[APPROVED, Feb. 7, 1831.]

May estab-
lish ferry,

Exclusive
right, &c.

Tolls, &c.

An ACT to incorporate a bank by the name and style of the Bank of Pensacola.

*Sec. 1. Be it enacted by the Governor and Legislative Council
of the Territory of Florida,* That a bank shall be established in
the city of Pensacola, the capital stock thereof shall not exceed
two hundred thousand dollars, divided into shares of one hundred
dollars each.

Name and
style.

Sec. 2. Be it further enacted, That books for subscriptions
shall be opened on the first day of March next, and remain open
for sixty days, at Pensacola under the superintendence of Samuel
Patterson, Hanson Kelly, John De La Rua, John Jerrison, jr.
and George W. Barkley, and the said commissioners may open
books to receive subscriptions at any place they may deem ad-
visable, under the superintendence of such persons as they shall
think proper; any three of the aforesaid commissioners shall be com-
petent to perform the duties of their appointment; and if the num-
ber of shares shall not be subscribed within the term of sixty days,
they shall keep the books open for six months and no longer; but
the corporation, by this act created, may at any future time open
books to receive subscriptions for the remaining shares unsub-
scribed, at such time and place, and under the superintendence
of such persons as they may deem advisable and expedient; but
in the meantime it shall be the duty of the commissioners as soon
as they shall have received fifteen thousand dollars, to give notice
of the same to the stockholders at the distance of twenty days,
for proceeding to the choice of thirteen directors, and it shall be
lawful for such choice then and there to be made, and the thirteen
persons who shall be then and there chosen, shall be the first di-
rectors, and shall be capable of serving until the first Monday in
January thereafter, by virtue of such choice, or until their suc-
cessors shall be duly elected; And the directors elected at the
first and each subsequent election, shall elect a President, who
must be a director; and the aforesaid first chosen directors shall
forthwith commence the operations of a bank.

Books to be
opened.

Choosing
directors.

Sec. 3. Be it further enacted, That three-fourths of the
amount of a share or shares, subscribed for, by the several and
respective subscribers, shall be paid in gold, silver, or United
States' Bank Notes, and the last and remaining fourth in cur-
rent money of the territory—one-fourth of which payments shall
be made at the time of subscribing, or within twenty days there-
after, to the commissioners—an eighth within sixty days after the
bank shall go into operation, and the remainder at such times as
the president and directors of said bank shall require; Provided,
that not more than twelve-and-a-half per cent, upon said stock,
shall be called in at any time; And provided also, that sixty
days notice be given before the same is required.

Subscrip-
tions to be
paid in gold
and silver.

Sec. 4. Be it further enacted, That the subscribers to the said
Bank, their successors and assigns, shall be, and are hereby,

Power to
establish
Bye-laws.

Created and made a corporation and body politic in law, and in fact by the name and style of "The President and Directors of the Bank of Pensacola," and shall so continue until the first day of January, one thousand eight hundred and fifty; and by the name and style aforesaid, shall be and are hereby made capable and able in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, rents, tenements, hereditaments, goods, chattles, and effects, to an amount not exceeding in the whole, four hundred thousand dollars, including the capital stock aforesaid, and the same to grant, sell, demise, alienate, or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatever, and, also, to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution, such bye-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this territory and of the United States, and for the making whereof, general meetings of the stockholders may be called by the directors, in the manner hereinafter specified, and generally to do and execute all acts, matters and things, which a corporation or body politic in law, may or can lawfully do or execute, subject to the rules, regulations, restrictions and provisions, hereinafter prescribed and declared.

Sec. 5. Be it further enacted, That the directors of the bank, for the time being, shall have power to appoint such officers, clerks and servants, under themselves as shall be necessary for the executing the business of said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances, of the same.

Sec. 6. Be it further enacted, That the following rules, regulations, limitations and provisions, shall form, and be, the fundamental articles of the constitution of the said corporation.

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following: that is to say,—For one share and not less than two shares, one vote; for every two shares, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; but no person, corporpartnership or body politic, shall be entitled to a greater number than thirty votes. And after the first election, no share or shares, shall confer a right of suffrage, which shall have not been

Officers &c

Ratio of
votes.

Golden three calender months next previous to the day of election.
 Stockholders, actually residents within the city of Pensacola, may vote in elections, and such as may be absent, by proxy, and all other stockholders may vote by proxy, or in person; none but stockholders, being citizens of the territory, shall be eligible as directors.

Eligibility
of directors

II. Not less than five directors shall constitute a board for the transaction of business, of whom their president shall always be one, except in cases of sickness or necessary absence, in which case, his place may be supplied by any other director, whom he by writing under his hand shall nominate for that purpose.

III. A number of stockholders, not less than twenty, who together shall be proprietors of one hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least four weeks notice in some public paper in Pensacola, where the bank is kept, and specifying in such notice the object or objects of such meeting.

General
meetings

IV. Every cashier, before he enters upon the duties of his office, shall be required to give bond, with two or more securities, to the satisfaction of the directors, in a sum not less than ten thousand dollars, with condition for the faithful performance of his duties.

Cashier to
give bond

V. Lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debt previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debt.

What real
estate can
be held

VI. The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, or note, or other contract, shall not exceed the sum of six hundred thousand dollars, over and above the sum then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorised by a law of the territory. In case of excess the directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and action of debt may in such cases be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any court of record of the territory, by any creditor or creditors of, said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement, to the contrary notwithstanding, but this shall not be construed to exempt the said corporation, or the lands and tenements, goods and chattles, of the same from being also liable for and chargeable with the said excess; such of the said directors who may have

Amount of
debts that
may be con-
tracted

Liability of
directors

been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable by forthwith giving notice of the same, and of their absence or dissent, with or before some notary public, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

VII. The said corporation shall not directly, or indirectly, deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of eight per centum per annum, for or upon its loans or discounts.

VIII. The stock of said corporation shall be assignable and transferable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

IX. The bills obligatory and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their, assigns or assignees, and so as absolutely to transfer or vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their, own name or names.— And bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person, or persons, his, her, or their order, or to the bearer, though not under seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect, as upon any private person, or persons, as if issued by him or them, in his, her, or their, natural, or private capacity, or capacities; and shall be negotiable and assignable in like manner as if they were so issued by such private person, or persons, ; that is to say, Those which shall be payable to any person or persons, his, her, or their, order, shall be assignable by endorsements in like manner and with like effect, as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only.

X. Half yearly dividends shall be made of so much of the profits of the said bank, as shall appear to the president advisable, and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of all the affairs relative to the bank, and divide the surplus profits.

Sec. 7. Be it further enacted, That no notes shall be negotiable at the bank, unless it be so expressed on the same.

Rate of interest.

Bills assignable.

Bills payable to bearer, &c.

Dividends declared.

Sec. 3. Be it further enacted, That after the first election of directors, they shall be annually elected at the banking house, on the first Monday in January, in each year; by the qualified stockholders of the capital of said bank, and by a plurality of votes, then and there actually given, according to the scale of voting, and in case of the death, resignation, or removal of the President, the directors shall proceed to elect another out of the Directors for the time being, and in case of the death, resignation, or removal of a director, his place may be supplied by a majority of the board of Directors.

Election of
President

Sec. 9. Be it further enacted, That no director shall be entitled to any emolument or salary, except the President of the said board, who may in the discretion of the said directors, be allowed a reasonable compensation for his extraordinary services, or in the other business thereof.

Compensa-
tion to the
president.

Sec. 10. Be it further enacted, That it shall be the duty of the President and directors of said bank, when required by the legislature of the state or territory of Florida, to render to them a statement of the amount of specie actually paid in upon stock subscribed, amount of bills issued, and amount due on loans, or on purchase of bills of exchange.

Report to
legislature

Sec. 11. Be it further enacted, That immediately on dissolution of said corporation, effectual measures shall be taken by the existing directors for closing all the concerns of the company, and divide the capital and profits which may remain, among the stockholders in proportion to their respective interests, and it shall be lawful for the directors aforesaid, to use the corporate name, style and capacity of the company, for the purpose of suits, for the liquidation of, and settlement of the affairs and accounts of the corporation, and upon the sale or disposition of their estate real, personal and mixed, but not for any other purpose, nor in any other manner whatsoever.

Dissolu-
tion of the cor-
poration.

Sec. 12. Be it further enacted, That the directors of said bank, shall for, and during the term of ten years, reserve for the Territory or state, in which the bank may be in operation, twenty five thousand dollars of the capital stock of said bank, and at any time the legislature of the state or territory shall have the aforesaid twenty five thousand dollars of the capital stock, or any part thereof subscribed for; then the governor of the state or territory, shall have power to appoint a number of directors, proportionate to the number of shares, held by the territory or state in said bank, and the stockholders shall at the next annual election, proceed to the election of the residue of the directors, as authorized by this act.

Stock re-
served for
use of the
territory.

Sec. 13. Be it further enacted, That the President and directors, shall not at any time be authorized to issue a greater amount than three times the actual amount of capital paid in.

Amount of
issue.

Sec. 14. Be it further enacted, That any person or persons,

Stock for-
feited.

who may fail to pay for stock by them subscribed, when the instalments become due, the President and directors may pass an order, forfeiting all payment, or payments, that may have been made on such stock, and cause the same to be sold at public auction, or otherwise, and shall be authorized to transfer such stock to the purchaser; the proceeds of the stock forfeited after paying such expenses as may accrue, shall be applied to the use of the corporation; and if it should happen at any time, that the election of directors should not take place on the day provided for electing them, the president and directors for the time being, shall appoint a day for that purpose, within ten days thereafter.

Personal
property of
stockhold-
ers pledged

Sec. 15. *And be it further enacted,* That the personal property of each and every of the stockholders, shall be pledged and bound in proportion to the amount of shares held by each, in his, or her natural, private and individual capacity, for the ultimate redemption of the bills or notes issued by, or from said bank, during the time he, or she may hold such stock.

Passed, Jan. 19, 1831.

[REJECTED, by the Governor, Jan. 31, 1831.
Reconsidered by the Council Feb. 31, 1831, and passed by the requisite majority

An ACT to incorporate a Company to be entitled "The St. Marks Navigation Company."

Preamble.

WHEREAS, the interests of the Territory would be greatly promoted and advanced, by the clearing out of the channel of the St. Marks river, from a point near the St. Augustine road, to the natural bridge on said river:

Company
incorporate

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Benjamin Chaires, James Gadsden, Edmund B. Vass, Charles Pope Hunter, Richard Parish, Samuel Parkhill, William B. Nuttall, William Bailey, Arthur Burney, John Parkhill, Hector W. Braden, John D. Edwards, and William Argyle, and such other persons as they may receive into their company, their successors and assigns, shall forever be a body corporate and politic, by the name and style of "The St. Marks Navigation Company;" and by such corporate name, shall be capable in law, to buy, purchase, hold, and sell, real and personal estate; to receive donations; to make contracts; to sue and be sued; to plead and be impleaded; to have a common seal, and to alter and renew the same, when they may deem it necessary; to regulate the manner by which shares in said company may be transferred; to make by-laws, which shall not be contrary to the laws of this Territory, or of the United States; and to do all lawful acts, incident to a corporation, and which may be necessary and proper, for the convenient management of its affairs.

Sec. 2. Be it further enacted, That the said company shall annually hold an election at such times and places, and under such regulations and restrictions, as they in their by-laws may prescribe, for a president, and as many directors as may be required for the management of their business—The number of directors to be previously determined on and declared in their by-laws. And the said president and directors, when elected, shall have power to appoint such subordinate officers, and agents, as may be deemed necessary, and at any time to dismiss them from office; and be capable of exercising such other powers and authorities, for the well governing and ordering the affairs of the company, as to them shall appear conducive to its interests.

Sec. 3. Be it further enacted, That the stock of said company shall be divided into as many shares, as they may think proper, and the votes of each stockholder shall be according to the number of shares he may hold, to be regulated and agreed upon by the said company, and made known in its by-laws.

Sec. 4. Be it further enacted, That the said company shall have the right to clear out and make the St. Marks river sufficiently navigable for boats drawing not more than fifteen inches water, from a point near the St. Augustine road, to the natural bridge, and to effect the said object, the said company shall have the right to cut such canals, erect such dams or embankments, construct such lock, or locks, and to make, construct and erect such other works as they may deem necessary for making said river navigable as aforesaid.

Sec. 5. Be it further enacted, That to enable said company to accomplish the said work, it shall be lawful for the President and Directors of said company, at such time as they may determine upon, to open, or cause to be opened, books for the purpose of receiving subscriptions, to create or increase, the capital stock of said company.

Sec. 6. Be it further enacted, That in accomplishing the object, for which said company is incorporated, by clearing out the channel of said river, so as to render it navigable, or by constructing canals, or other works, it shall be lawful for said company by the President and Directors thereof, or by their properly authorized agents, to enter upon, and take possession of any lands whatsoever, whether covered with water or not, which may be necessary to the prosecution and completion of the works contemplated in this act; or whereupon it may be necessary to construct any dam, or open any canal, or erect any embankment, lock, or other fixtures, intended, or implied by this act; Provided, that no land owned by private individuals shall be taken for said purposes, without adequate compensation.

Sec. 7. Be it further enacted, That it shall be lawful for the President and Directors of said company, or their properly authorized agents, to take from any land, most convenient to the

Election.

Stock.

Clear out
river, &c.Books to be
opened.May enter
upon land.To take
timber, &c.

works, at all times, such timber, stone, earth and other materials, as may be necessary for the construction of, and keeping in repair, said works and improvements; Provided, that nothing belonging to private individuals shall be taken, without adequate compensation.

Sec. 8. Be it further enacted, That whenever it shall become necessary, for the said company to take possession of, and use any land, timber, stone, or other materials owned by private individuals, for the route and site of the said works, or for the construction and keeping in repair the same, or any part thereof, and the parties do not agree upon the value of the same, it shall and may be lawful for the President and Directors of said company, or their properly authorized agent, to apply to the judge of the county court of the county, in which such lands, or materials may be, for a writ of *ad quod damnum*, directed to the sheriff, marshal, or other officer of said county, to summon five disinterested persons of lawful age, and house keepers, to meet and value said property upon oath, to be administered to them by the judge, sheriff, marshal, or other officer summoning the same, whose duty it shall be to attend said inquest in person, and receive their report, and also receive from the President and Directors of said company, or their agent, the sum or sums of money adjudged by said report, and to pay over the same to the person, or persons authorized to receive it, and to take an acquittal for the same; and until payment is made to the sheriff, marshal, or other officer aforesaid, of the sum awarded, it shall not be lawful for the said company to take possession of, or use such land, timber, or other materials; and all the expenses incurred in the execution of the writ of *ad quod damnum*, shall be paid by the said company, but the appraisers shall not receive more than one dollar each per day, while engaged in such duty.

Sec. 9. Be it further enacted, That the President and Directors of said company, shall be authorized to agree upon such rate of tolls, for the use of said navigation, as they may deem reasonable, and as soon as said river shall have been made navigable for boats, having a draught of fifteen inches of water, the said company shall be entitled to demand and receive said tolls, upon all produce, goods, merchandize, or other articles—and upon all boats, and other craft which may navigate said river, or the canals of said company: And the said company may, from time to time, as circumstances require, change and alter said rate of tolls, and fees; Provided, that no alteration which may increase the rates of tolls, shall have effect, until one month's previous notice thereof shall have been given by advertisement, posted in the city of Tallahassee:—And the said company shall continue to receive, and collect such tolls and fees, as they may from time to time establish so long as said navigation shall be kept in sufficient order for the transportation in boats as aforesaid: And all produce, goods,

Writ of ad
quod dam-
num.

Tolls, &c.

merchandise, boats, and other articles, or things, which may be transported, or conveyed upon such improved river, canals, or navigable waters, shall be liable for the tolls and fees, for which they are respectively chargeable, and may be detained until the same be paid and discharged.

Sec. 10. *Be it further enacted*, That it shall be the duty of said company to commence their works, for the improvement of said river and navigation, within the term of two years from the passage of this act, and shall complete the same on, or before the first day of January, eighteen hundred and thirty-eight—And if the said work shall have been commenced within the time aforesaid, or having been commenced, shall be abandoned or neglected for the term of one year, at any time, without any attempt to prosecute the same, or if after said works shall have been completed, they shall be permitted to go down, and remain for the term of one year without any attempt to repair or put the same in good order, then, and in either of these events, the said corporation shall be dissolved, unless some unavoidable cause shall be shewn in justification. And this act shall be liberally construed for the benefit of said company, and to enable it to carry into effect the object contemplated. Provided, nothing in this act shall be taken to impair the right of the legislature of this Territory to repeal, alter, and modify the same.

Passed Feb. 12, 1831.

[REJECTED by the Governor, Feb. 13, 1831.

Reconsidered by the Council, Feb. 13, 1831, and passed by the requisite majority.

An ACT to incorporate a bank in the City of St. Augustine.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That a bank shall be established in the city of St. Augustine, the capital stock thereof shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each.

Sec. 2. *Be it further enacted*, That books for subscriptions shall be opened on the first day of May next, and remain open for ninety days—At St. Augustine, under the superintendence of Waters Smith, Daniel S. Griswold, Gabriel W. Perpall, William H. Simmons, and John M. Hanson: and the said commissioners may open books to receive subscriptions at any place they may deem advisable, under the superintendence of such persons as they shall think proper; any three of the aforesaid commissioners shall be competent to perform the duties of their appointment; and if the number of shares shall not be subscribed within the term of ninety days, they shall keep the books open for six months and no longer; but the corporation, by this act created, may at any future time open

When to be
com'nced
and com-
pleted.

Name and
style.

Books to be
opened.

<sup>Choosing
directors.</sup> Books to receive subscriptions for the remaining shares unsubscribed, at such time and place, and under the superintendence of such persons as they may deem advisable and expedient; but in the meantime it shall be the duty of the commissioners as soon as they shall have received twenty thousand dollars, to give notice of the same to the stockholders at the distance of twenty days, for proceeding to the choice of nine directors—And it shall be lawful for such choice then and there to be made, and the nine persons who shall then and there be chosen, shall be the first directors, and shall be capable of serving until the first Monday in January thereafter, by virtue of such choice, or until their successors shall be duly elected; And the directors elected at the first and each subsequent election, shall elect a President, who must be a director; and the aforesaid first chosen directors shall forthwith commence the operations of a bank.

^{Subscript-} Sec. 3. *Be it further enacted,* That the shares subscribed for by the several and respective subscribers, shall be paid for in gold, silver, or U. States' bank notes; one-fourth of which said payments shall be made at the time of subscribing, or within 20 days thereafter, to the commissioners—An eighth within sixty days after the bank shall go into operation, and the remainder at such times as the president and directors of said bank shall require; *Provided*, that not more than twelve-and-a-half per cent, upon said stock, shall be called in at any time; *And provided also*, that sixty days notice be given before the same be required.

<sup>Power to
establish
bye-laws.</sup> Sec. 4. *Be it further enacted,* That the subscribers to the said bank, their successors and assigns, shall be, and are hereby, created and made a corporation and body politic in law, and in fact by the name and style of "The President and Directors of the bank of St. Augustine;" and shall so continue until the first day of January, one thousand eight hundred and fifty; and by the name and style aforesaid, shall be and are hereby made capable and able in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, rents, tenements, hereditaments, goods, chattles, and effects, to an amount not exceeding in the whole, six hundred thousand dollars, including the capital stock aforesaid, and the same to grant, sell, demise, alienate, or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatever, and, also, to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution, such bye-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this territory and of the United States, and for the making whereof, general meetings of the stockholders may be called by the directors, in the manner hereinafter specified, and generally to do and execute all acts,

matters and things, which a corporation or body politic in law, may or can lawfully do or execute, subject to the rules, regulations, restrictions and provisions, hereinafter prescribed and declared.

Sec. 5. *Be it further enacted*, That the directors of the bank, for the time being, shall have power to appoint such officers, clerks and servants, under themselves as shall be necessary for the executing the business of said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances, of the same.

Sec. 6. *Be it further enacted*, That the following rules, regulations, limitations and provisions, shall form, and be, the fundamental articles of the constitution of the said corporation.

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following: that is to say,—For one share and not more than two shares, one vote; for every two shares, above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares, above one hundred, one vote—But no person, copartnership or body politic, shall be entitled to a greater number than thirty votes. And after the first election, no share or shares, shall confer a right of suffrage, which shall have not been helden three calender months next previous to the day of election. Stockholders, actually residents within the city of St. Augustine, may vote in elections, and such as may be absent, by proxy, and all other stockholders may vote by proxy, or in person; none but stockholders, being citizens of the territory, shall be eligible as directors.

Officers &c

Ratio of votes.

Eligibility of directors

II: Not less than five directors shall constitute a board for the transaction of business, of whom their president shall always be one, except in cases of sickness or necessary absence, in which case, his place may be supplied by any other director, whom he by writing under his hand shall nominate for that purpose.

III. A number of stockholders, not less than twenty, who together shall be proprietors of one hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least four weeks notice in some public paper in St. Augustine, where the bank is kept, and specifying in such notice the object or objects of such meeting.

General meetings.

IV. Every cashier, before he enters upon the duties of his office, shall be required to give bond, with two or more securities,

Cashier to give bond.

to the satisfaction of the directors, in a sum not less than ~~ten~~, thousand dollars, with condition for the faithful performance of his duties.

V. Lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debt previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debt.

VI. The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, or note, or other contract, shall not exceed the sum of six hundred thousand dollars, over and above the sum then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorised by a law of the territory. In case of excess the directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and action of debt may in such cases be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any court of record of the territory, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands and tenements, goods and chattles, of the same from being also liable for and chargeable with the said excess; such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable by forthwith giving notice of the same, and of their absence or dissent, with or before some notary public, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

VII. The said corporation shall not directly, or indirectly, deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of eight per centum per annum, for or upon its loans or discounts.

VIII. The stock of said corporation shall be assignable and transferable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

IX. The bills obligatory and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands

What real
estate can
be held.

Amount of
debts that
may be con-
tracted.

Liability of
directors.

Rate of in-
terest.

of such person or persons, and of his, her or their, assigns or assignees, and so is absolutely to transfer or vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their, own name or names.— And bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person, or persons, his, her, or their order, or to the bearer, though not under seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect, as upon any private person, or persons, as if issued by him or them, in his, her, or their, natural, or private capacity, or capacities, and shall be negotiable and assignable in like manner as if they were so issued by such private person, or persons; that is to say, Those which shall be payable to any person or persons, his, her, or their, order, shall be assignable by endorsements in like manner and with like effect, as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only.

Bills payable
to bearer,
etc.

X. Half yearly dividends shall be made of so much of the profits of the said bank, as shall appear to the directors advisable, and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of all the affairs relative to the bank, and divide the surplus profits.

Dividends
declared.

Sec. 7. Be it further enacted, That no notes shall be negotiable at the bank, unless it be so expressed on the face.

Sec. 8. Be it further enacted, That after the first election of directors, they shall be annually elected at the banking house, on the first Monday in January, in each year, by the qualified stockholders of the capital of said bank, and by a plurality of votes, then and there actually given, according to the scale of voting; and in case of the death, resignation, or removal of the President, the directors shall proceed to elect another out of the Directors for the time being, and in case of the death, resignation, or removal of a director, his place may be supplied by a majority of the board of Directors.

Election of
president.

Sec. 9. Be it further enacted, That no director shall be entitled to any emolument or salary, except the President of the said board, who may in the discretion of the said directors, be allowed a reasonable compensation for his extraordinary services, or in the other business thereof.

Compensa-
tion to the
president.

Sec. 10. Be it further enacted, That it shall be the duty of the President and directors of said bank, when required by the legislature of the state or territory of Florida, to render to them a statement of the amount of specie actually paid in upon stock

Report to
legislature

subscribed, amount of bills issued, and amount due on loans, or on purchase of bills of exchange.

Dissolution
of the cor-
poration.

Sec. 11. *Be it further enacted,* That immediately on dissolution of said corporation, effectual measures shall be taken by the existing directors for closing all the concerns of the company, and divide the capital and profits which may remain, among the stockholders in proportion to their respective interests, and it shall be lawful for the directors aforesaid, to use the corporate name, style and capacity of the company, for the purpose of suits, for the liquidation of, and settlement of the affairs and accounts of the corporation, and upon the sale or disposition of their estate real, personal and mixed, but not for any other purpose, nor in any other manner whatsoever.

Stock re-
serve for
use of the
Territory.

Sec. 12. *Be it further enacted,* That the directors of said bank, shall for, and during the term of ten years, reserve for the Territory or state, in which the bank may be in operation, twenty five thousand dollars of the capital stock of said bank, and at any time the legislature of the state or territory shall have the aforesaid twenty five thousand dollars of the capital stock, or any part thereof subscribed for; then the governor of the state or territory, shall have power to appoint a number of directors, proportionate to the number of shares, held by the territory or state in said bank, and the stockholders shall at the next annual election, proceed to the election of the residue of the directors, as authorized by this act.

Amount of
issue.

Sec. 13. *Be it further enacted,* That the President and directors, shall not at any time be authorized to issue a greater amount than three times the actual amount of capital paid in.

Stock for-
feited.

Sec. 14. *Be it further enacted,* That any person or persons, who may fail to pay for stock by them subscribed, when the instalments become due, the President and directors may pass an order, forfeiting all payment, or payments, that may have been made on such stock, and cause the same to be sold at public auction, or otherwise, and shall be authorized to transfer such stock to the purchaser; the proceeds of the stock forfeited after paying such expenses as may accrue, shall be applied to the use of the corporation; and if it should happen at any time, that the election of directors should not take place on the day provided for electing them, the president and directors for the time being, shall appoint a day for that purpose, within ten days thereafter.

Personal
property of
stockhol-
ders pledged

Sec. 15. *And be it further enacted,* That the personal property of each and every of the stockholders, shall be pledged and bound in proportion to the amount of shares held by each, in his, or her natural, private and individual capacity, for the ultimate redemption of the bills or notes issued by, or from said bank, during the time he, or she may hold such stock.

Sec. 16. *Be it further enacted,* That said bank stock shall

pay the same rate of tax as is now, or may hereafter be imposed on the stock or profits of other banks in this Territory.

Passed, Jan. 31, 1831.

[REJECTED, by the Governor, Feb. 2, 1831.
Reconsidered by the Council Feb. 2, 1831, and passed by the requisite majority.]

An ACT for the relief of L. M. Stone.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Territorial Treasurer be, and he is hereby authorised to draw upon Pardon C. Greene, late Auctioneer at Key West, a draft in favor of Lackland M. Stone, for the sum of one thousand and four dollars sixty seven cents, in compensation for expenses incurred by the said Lackland M. Stone, in the keeping and maintainance of certain prisoners confined at Key West.

Draft on P.
C. Green.

Sec. 3. *Be it further enacted,* That the Treasurer, on receiving satisfactory evidence of the payment of the aforesaid sum to Lackland M. Stone, shall be authorised to credit the account due the Territory of Florida by Pardon C. Green, on account of sales by him, as auctioneer aforesaid, with the sum so paid.

How to be
credited.

Sec. 3. *Be it further enacted,* That the draft thus given by the Treasurer, shall be taken and received as a full liquidation of said demand against the Territory.

Draft to be
in full liqui-
dation, &c.

Sec. 4. *And be it further enacted,* That this law shall be in force from and after its passage.

Passed, Feb. 11, 1831. [APPROVED, Feb. 13, 1831.]

An ACT concerning the hiring of Slaves.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That in all cases where any slave or slaves, shall or may be hired out, within this Territory, the owner or owners thereof, shall be liable and compellable in law, to pay such medical aid and services, as may be necessary to said slave or slaves.

§ 2. *And be it further enacted,* That this act shall be in force from the first day of March.

Passed, Feb. 3, 1831. [APPROVED, Feb. 7, 1831.]

An ACT to provide for the compensation of the Officers of the Legislative Council—and for other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the following sums be allowed to the clerks and other officers of the legislative council, and for the contingent expenses incurred for the use of the same, viz.:

To John K. Campbell, chief clerk of this house, the sum of four hundred dollars.

To John Gray jr., engrossing and enrolling clerk, two hundred and twenty-five dollars, eighty-four cents.

To William J. Mills, engrossing and enrolling clerk, two hundred and sixty dollars, sixty-nine cents.

To Joseph B. Lancaster, engrossing and enrolling clerk, two hundred and thirty-seven dollars.

To William McRea, engrossing and enrolling clerk, two hundred and forty-nine dollars and fifty cents.

To George S. Hawkins, engrossing and enrolling clerk, two hundred and thirty dollars.

To John W. Robarts, engrossing and enrolling clerk, two hundred and twenty-four dollars and fifty cents.

To James Hughes, engrossing and enrolling clerk, two hundred and fifty-five dollars.

To John M. Fontane, engrossing and enrolling clerk, two hundred and fifty-five dollars and fifty cents.

To James Bryan, jr., for his services as sergeant at arms, for chairs, fuel, for the council and clerks, and for servant hire, one hundred and ninety dollars.

To Simeon Dill, for his services as door-keeper, one hundred and fifty dollars.

To John K. Campbell, for his account for stationary and candles, furnished the members and clerks of the council, one hundred and thirty dollars and sixty-three cents.

To Thomas Brown, for rent of room two days, ten dollars.

To James Hughes, secretary of Masonic Lodge, for rent of Masonic Hall, thirty-nine days, one hundred and ninety-five dollars.

To John Laudaman, for repairs of furniture, fifty dollars.

To Gibson & Smith, for printing done for this house at the present session, one hundred dollars.

Sec. 2. Be it further enacted, That the governor of this territory be, and he is hereby requested to certify the accounts for the beforementioned claims to the general government.

Passed, Feb. 13, 1831.

[APPROVED, Feb. 13, 1831.]

An ACT to incorporate the city of Fernandina.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all the free white inhabitants of that part of Amelia Island, known by the name of Fernandina, and comprehended within a line beginning at a point on the east bank of Amelia river, and due west of the centre of the old redoubt, or Water Battery of said city; thence southwardly along the eastern bank of said Amelia river, fourteen hundred yards; thence along a section of a circle, whose radius is fourteen hundred yards distant from the said point of beginning, to a point on the eastern bank of the said Amelia river; and thence southwardly along the eastern bank of the said Amelia river, to the point of beginning—and their successors be, and are hereby declared to be a body politic and corporate, by the name and style of the city of Fernandina, with all the rights, liberties, privileges, powers and authorities incident to, and appertaining to a corporation, body politic, or natural person, and by the said name and style, may sue and be sued, plead and be impleaded, hold, possess and enjoy, real estate, and personal property, and dispose of, and transfer the same, and so dispose of, and manage the funds of said city, as shall be most beneficial to the interests thereof.

Sec. 2. Be it further enacted, That the government of the said city shall be vested in a person, to be called the mayor, and four aldermen, to compose a council for the management of the affairs of the city. The said mayor and aldermen shall be elected annually on the first Monday of April, from amongst such of the qualified voters of said city hereby incorporated, as shall have resided within the limits thereof, at least one year, and shall be housekeepers therein.

Sec. 3. Be it further enacted, That the said council shall have power and authority to pass all laws and ordinances, that may be necessary and expedient for the good government of said city, and the preservation of the public morals; *Provided*, that they are not inconsistent with the constitution and laws of the United States, and the power hereby granted, and prohibit and punish offences against the public peace: *Provided*, no law or ordinance in this respect, shall be inconsistent with any law of this Territory. They shall especially have power to regulate, improve, alter and extend the streets, lanes, avenues and public squares, and to open new streets, and cause encroachments, obstructions, decayed buildings, and old ruins to be removed, making the parties injured by any improvements a just compensation, and charging upon those benefitted, a reasonable assessment, to be ascertained in such manner as shall be agreed upon by the parties, or by a jury of twelve men, to be organized in such manner, as by ordinance the said council may provide. They shall have power to prevent and abate nuisances, to order and compel the owners or occ-

Town incorporated

Mayor and
aldermen.

Bye-laws.

contents of lots upon which pools of water are, or are likely to accumulate, to fill them up: regulate and compel parties by ordinances, or otherwise, to erect and keep in repair partition fences, and may pass all laws and ordinances, that may be necessary to preserve the public health. They shall have authority to guard against the introduction of infections, or malignant diseases, and for this purpose may prohibit, or regulate the ingress, or approach of vessels into the waters of the harbor, and whenever necessary, may compel them, under fixed and certain penalties, to perform quarantine, and observe such other rules and regulations, as to the said council may seem proper by ordinance to establish. They may appoint pilots for the bar and harbor, and pass all necessary laws for their government, construct wharves, keys and docks, and regulate wharfage, dockage and the mooring and anchoring vessels, erect bridges and ferries, and establish the rates of ferriage and tolls. They may erect all necessary public buildings, and dispose of the same as the interests of the city may require, and make and sink wells, erect pumps, dry drains, and do and perform all such other act or acts, as shall seem necessary, and be best adapted to the improvement and general interests of the city—and pass all necessary laws, to guard against fires, and to ensure the sweeping of chimneys: they may establish and regulate markets, and require all persons bringing fresh provisions into the city, to exhibit them for sale, at proper market hours—establish and regulate the weight and assize of bread—the inspection of provisions or other produce, (being of the growth or manufacture of this Territory) that may be brought in said city for sale, or which may be sent from it—the guaging of liquors—the measuring or weighing of any articles of produce or merchandize, and the storing of gunpowder, and all naval and military stores, not the property of the United States. They shall have power to tax auctioneers, and license and tax retailers of goods, and liquors, hawkers, pedlars, tavern and public boarding house keepers, hackney carriages, carts and drays, restrain lotteries, tippling houses, gaming houses, houses of ill fame, and theatrical or other public exhibitions, suppress riots and disorderly assemblies, and may provide for the punishment of all persons guilty of breaches of the peace, within the limits of said city, by fine and imprisonment, Provided, the fine shall in no case exceed five dollars, and the imprisonment five days.

Sec. 4. Be it further enacted, That the said city council shall further have power and authority, to provide by tax or otherwise, a fund for the support the of poor, the infirm, the diseased, and insane: to establish public schools and provide for their maintenance, and to organize patrols, and provide for the punishment of negroes and persons of color.

Sec. 5. Be it further enacted, That the said council shall have power to assess, levy and enforce the collection of all such.

taxes and other impositions, as may be necessary for the support of the government of said city, and the improvement thereof: Provided, that no higher rate of tax shall be levied upon real estate, than one half of one per cent on the assessed value thereof, to be determined by assessors chosen in such manner as said council may provide: and the said taxes to be collected by distress and sale, after default shall be made in the payment thereof, in the most convenient and least expensive and oppressive way, as to said mayor and alderman shall be deemed expedient—and the said council shall have power, further to provide for the trial of all offences that may arise under the ordinances of said city, and shall enforce the collection of all fines and penalties, that may arise as aforesaid, in such manner as said council by ordinance shall provide.

To collect taxes.

Sec. 6. *Be it further enacted,* That it shall be the duty of the mayor, to see that the ordinances of the city are faithfully executed, recommend for appointment all necessary city officers, and report and cause their removal whenever by negligence, or misconduct, the interests of the city may require it. He shall preside at all meetings of the board, and propose such measures as he shall think important to the public interests, but shall only be entitled to a casting vote, and he shall have power to convene the board, whenever it may be deemed necessary. He shall have, possess, exercise and enjoy all the powers, duties and privileges of a justice of the peace.

Duties of the mayor.

Sec. 7. *Be it further enacted,* That the mayor and two aldermen shall form a quorum for the transaction of all business; they may compel the attendance of their absent members, under such pains and penalties, as by rules may be prescribed; judge of the qualifications of members, and of the sufficiency, correctness or regularity of election returns, settle their own rules of proceeding, and upon the recommendation of the mayor, appoint and remove all officers, and fix their compensation, and establish such fees as may, or ought to be allowed for such services, as may be required of them: their meetings shall be public, and they shall cause a journal of their proceedings to be kept and regularly authenticated by the signature of the mayor and clerk, which shall be kept open for the inspection of all who may be interested in the proceedings of said council. The yeas and nays upon any question shall be entered upon their journals, upon a call of any two members: they shall make public all their ordinances, and resolutions, before they shall have force and efficacy, by publishing them in some newspaper printed in the city, or by posting written copies thereof, in three or more public places, if none be published therein.

Quorum.

Sec. 8. *Be it further enacted,* That all white male inhabitants of the age of twenty one years, and over, who shall have resided within the said city, at least twelve months immediately preceding

Right of suffrage.

the day of election, shall be entitled to vote for mayor and aldermen, they being citizens of the United States—all votes shall be given by ballot.

Elections. Sec. 9. *Be it further enacted,* That the elections shall be conducted by three inspectors, to be appointed at least two weeks before the day of election, by the mayor; the said mayor shall also appoint the place of holding the election, and give public notice thereof, for the like period of time.

Inspectors. Sec. 10. *Be it further enacted,* That the said inspectors shall be judges of the qualifications of voters, and it shall be the duty of them, or any two of them, on the day appointed by law for holding the election, to open the poll for the reception of votes, and to cause the names of voters to be recorded in a book to be kept for that purpose, which shall be deposited at the close of each election, amongst the archives of the corporation: the poll shall open at nine o'clock in the morning, and close at five o'clock in the afternoon, after which the inspectors shall proceed to count the votes, and declare the persons elected, as mayor and aldermen, and make out a written certificate thereof, at the foot of the poll list, and deliver a copy to the mayor elect, who upon receipt thereof, shall signify his acceptance or refusal.

Qual. Sec. 11. *Be it further enacted;* That if the said mayor elect, shall signify his acceptance of said office, the mayor shall as soon as practicable, at any time within five days, assemble the board, and in their presence administer to him the following oath:—“I, A. B. do solemnly swear, (or affirm) that I will to the utmost of my power, support, advance and defend the interests, peace and good order of the city of Fernandina, and faithfully discharge the duties of mayor of said city, during my continuance in office; and I do further swear, that I will support the constitution of the United States;” and the mayor elect, upon being thus qualified, shall then administer the like oath to the aldermen elect, and thereupon the duties of the former board shall cease.

Vacancies. Sec. 12. *Be it further enacted,* That if the mayor elect, or any of the aldermen shall decline to accept the office, to which he or they may have been elected, or if accepting, any, or either of them shall not qualify by taking the prescribed oaths within five days, that then the mayor in office, or the person exercising the duties thereof, shall by proclamation, direct an election to be held, for supplying such seats in the board, as may be vacant, giving at least one week's notice thereof; designating at the same time, the persons appointed to superintend and conduct the said election.

**New elec.
time.** Sec. 13. *Be it further enacted;* That if the office of mayor, or any aldermen shall at any time become vacant by death, resignation, removal or otherwise, it shall be the duty of the mayor, or the person exercising the duties of mayor, agreeably to this

act, in like manner as is provided in the preceding section, to order a new election, to fill such vacancy or vacancies.

Sec. 14. *Be it further enacted,* That the mayor and aldermen now in office, shall be continued therein, until the next regular period of election, and if from any circumstance, an election should not be held on the regular day of election, the mayor and aldermen then in office shall be continued therein, until others shall be elected and duly qualified.

Sec. 15. *Be it further enacted,* That the act entitled, "an act to incorporate the city of Fernandina," approved January 1st 1825, be and the same is hereby repealed, but all laws, ordinances and resolves, in force at the repeal of said act, shall continue to be in force, until altered, amended or repealed, and all fines, penalties and forfeitures, that have accrued under said acts, be recovered in the same manner, as if the said act hereby repealed, was still in force.

Sec. 16. *And be it further enacted,* That this act shall have effect from the time of the publication thereof.

Passed, Feb. 10, 1831. [APPROVED, Feb. 13, 1831.]

Officers.

Act of 1825
repealed.

An ACT to incorporate a company to be entitled the "Leon Rail Way Company."

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Henry Bond, Robert Y. Wetford, Robert W. Williams, Isham G. Searcy, John Y. Garey and Thomas Brown, and such other persons as they may receive into their company, and their heirs, successors and assigns, are hereby created, constituted and ordained, and forever shall be a body politic, by the name and style of the "Leon Rail Way Company," and by such corporate name shall be capable in law to buy, purchase, hold and convey, both real and personal estate, so far as the same may be necessary for the purposes of affecting the object of the incorporation hereby created; to contract and be contracted with, sue and be sued, to plead and be impleaded, to have and use a common seal, and the same to alter and renew when they may deem it necessary or expedient; and to do and perform all other lawful acts and things incident and pertinent to a corporate body and which may be necessary and proper for the convenient transaction of its affairs: *Provided*, nothing herein contained shall authorise the company to issue notes or bills of credit, or in any way to exercise banking powers.

Sec. 2. *Be it further enacted,* That the said company shall have power to enact a code of by-laws for its government, which said laws shall be valid and operative in all cases: *Provided*, said laws are not inconsistent with the laws of the United States and of this territory.

Company
incorporate

Elections.

Sec. 3. *Be it further enacted,* That the said company shall at such time and place, and under such regulations, as they may in their by-laws prescribe, hold annually an election for a president, and as many directors as shall be requisite for the management of the business of said company, and the said president and directors, when elected, shall have power to appoint such subordinate officers and agents as may be necessary, and shall be capable of exercising such powers and authority for the well government and good order of the affairs of the said company, as to them shall appear conducive to its interests and the public good.

Stock.

Sec. 4. *Be it further enacted,* That the stock of said company shall be divided into as many shares as the said company, by its by-laws, shall direct, and the scale of suffrage shall in like manner be regulated; and when necessary, it shall be lawful for the president and directors of said company, at such time and place as they may determine on, shall open, or cause to be opened, books for the purpose of receiving subscriptions for the capital of said company, by instalments or otherwise: *Provided*, the same shall never exceed the sum necessary for the completion and continuance of the objects of said company.

Construct
rail-way.

Sec. 5. *Be it further enacted,* That the said company shall have the right, and the same is hereby fully granted to them, to construct a Rail Way for the transportation of produce, goods, merchandize, and all other articles whatsoever, and for all other useful purposes, from the city of Tallahassee to Fort St. Marks, or to any point or place on the river St. Marks, or Waculla, and for this purpose they may commence their work at any point or place in or adjacent to the city of Tallahassee, which may be best suited to the accomplishment of their object, and pursuing such course and direction with the same as may be deemed most advantageous by the president and directors of the said company: *Provided*, the said company shall at all times keep suitable and convenient fixtures for vehicles of every kind to cross said rail road wherever it may be necessary for county or neighborhood roads to cross the same; and in no way to interfere with the present established roads without the like fixtures, or as convenient a road at the expense of said company.

Enter upon
lands, &c.

Sec. 6. *Be it further enacted,* That in constructing the said rail way, it shall and may be lawful for the said company, by its president and directors thereof, or by its proper authority, to enter upon and take possession of any land whatsoever, which may be necessary for the completion of the work contemplated by this act: *Provided*, that no land owned by private individuals shall be taken and appropriated to the purposes aforesaid without adequate compensation.

To take
timber, &c

Sec. 7. *Be it further enacted,* That it shall and may be lawful for the president and directors of said company, or their properly constituted agent, to take from any land most convenient

to said rail way, at all times, such timber, stone, or other materials, as may be necessary for the construction of, and keeping in repair, the said rail way: *Provided*, that nothing belonging to private individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided.

Sec. 8. *Be it further enacted*, That whenever it shall become necessary for the said company to take possession of, and use any land, timber, stone, or other materials, owned by private individuals, for the route or site of, said work, or for the construction and keeping in repair the same works, or any part thereof, and if the parties do not agree on the value of the same, it shall and may be lawful for the president and directors of the said company, or their properly constituted agent, on giving ten days notice at least in writing to the party owning the same, or to his, her, or their agent, to apply to the judge of the county or superior court for a writ of *ad quod damnum*, directed to the sheriff, marshal, or other officer, to summon five disinterested householders of lawful age, to meet and value the said property on oath to be administered by the judge, marshal, sheriff, or other officer summoning the same, whose duty it shall be to attend in person the said inquest, and receive their report; and also to receive from the said president and directors, or their agents, the sum or sums of money awarded by the persons summoned as aforesaid, and pay over the same to the person or persons entitled to receive it, and to take an acquittal or a refusal for the same, on tender of the sum awarded to the party entitled to receive it, or to his, her, or their agents or attorneys; it shall be lawful for the said company to take possession of, and use such land, timber, stone and other materials, but all the expenses and cost incurred by the writ of *ad quod damnum* shall be paid by the president and directors of said company: *Provided*, that the appraisers shall not be allowed more than one dollar each per day while engaged in such duties.

Sec. 9. *Be it further enacted*, That all property so assessed and paid for by the president and directors of said company, or their agents, agreeable to the provisions of this act, and all donations made to and for the same, shall forever afterwards belong to, and become the property of the said company, their heirs, successors and assigns, in fee simple, in proportion to the shares owned respectively.

Sec. 10. *Be it further enacted*, That it shall be the duty of the president and directors of the said company, to commence the work for the construction of the said rail way within the period of two years, from and after the passage of this act, otherwise this charter to be null and void.

Sec. 11. *Be it further enacted*, That the said company shall have the exclusive privilege of constructing a rail way, or rail ways, from some point at, or adjacent to, Tallahassee to St.

Writ of ad
quod dam-
num.

Right of
Property.

When to
commence

*Exclusive
privilege.*

Marks, or to any point or place on the Wacilla, St. Marks, and Apalachi, rivers, for and during the period of twenty years from and after the completion thereof: *Provided*, that the said company shall complete, or cause to be completed, the said rail way within five years from and after the date of this act, and shall keep the said rail way in good and complete repair during the period of twenty years aforesaid.

*Right to
transfer.*

Sec. 12. *Be it further enacted*, That any shareholder of the said company, may and shall have the right to dispose of, and transfer his, or her interests, in the same, or any part thereof, to any other person, or persons, but the stock of the said company and all the property belonging thereto, or which may from time to time be acquired by the said company, shall be held jointly and not separately: *Provided*, that nothing in this act contained shall be construed as to prevent the members of said company from using the profits and dividends which may be declared upon the said stock, to his, or her, individual purposes.

Tolls, &c.

Sec. 13. *Be it further enacted*, That the president and directors, of said company, shall have a right to demand and receive such tolls and fees for the transportation of goods, wares, merchandize, produce, and other articles, on said rail way, as may be, from time to time, established by the by-laws of said company: *Provided*, that the tolls or fees shall not at any time be increased by the president and directors of said company, without public notice duly given; and the said company, shall continue to receive such tolls and fees, as from time to time may be established by its by-laws, so long as said rail way shall be kept in sufficient order and repair by the said company, their heirs, successors and assigns, for the transportation aforesaid, and all produce, goods, wares, merchandize, and other articles, and things, transported or conveyed on the said rail way, shall be liable for the tolls and fees with which they may be respectively chargeable, and may be detained until the same be paid and discharged: *Provided*, that the toll for the transportation of country produce, goods, wares, and merchandize, to and from Tallahassee to St. Marks, or to any point on the St. Marks and Wacilla rivers, shall not exceed twelve-and-a-half cents per one hundred pounds.

Treasurer.

Sec. 14. *Be it further enacted*, That the rate of toll upon said rail road shall be subject to the control of the corporation hereby created: *Provided*, however, that the said company shall appoint a treasurer, who shall take an oath to keep a true account of all monies received as toll; a strict account shall also be kept by said company of all the money vested in the constructing of said rail road, as well as keeping the same in repair, and all other contingent expenses; and also of the sums received from time to time as toll; and the books of said company shall always be open for the inspection of the legislative council.

Sec. 15. *And be it further enacted,* That after the amount of money vested in the construction of said rail road, together with all monies expended in repairs, and other contingencies, be refunded to said company by the distribution of dividends as hereinbefore provided for, together with twelve-and-a-half per cent. per annum on amount of capital stock, then the said company shall thereafter pay over to the territorial treasurer, annually, the whole amount of money received for toll on said road, after deducting therefrom all the expenditures incurred by said company in keeping said road in repair, and in paying their officers, together with ten per centum upon the amount of the capital stock of said company; which ten per cent. shall be paid over to the stockholders as a dividend, should the nett profits amount to that sum.

To pay into
treasury.

Passed Feb. 9, 1831.

[REJECTED by the Governor, Feb. 11, 1831.
Reconsidered by the Council, Feb. 11, 1831, and passed by a requisite majority.

An ACT concerning the hireing of Slaves.

§ 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That in all cases where any slave or slaves, shall or may be hired out, within this Territory, the owner or owners thereof, shall be liable and compellable in law, to pay such medical aid and services, as may be necessary to said slave or slaves.

Masters to
pay medi-
cal servic e

§ 2. *And be it further enacted,* That this act shall be in force from the first day of March.

Passed, Feb. 3, 1831.

[APPROVED, Feb. 7, 1831.]

An ACT concerning the county seat of Jackson county.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be lawful for the citizens of Jackson county, entitled to vote for members of the legislative council, at the next annual election for said members, to elect from each election precinct in said county, a commissioner, and the said commissioner so elected, shall report to the next legislature, the expediency of removing the county seat of said county, and the place selected by them, to enable the next legislative council, to make a location in conformity with the laws of Congress, and the usages of the territory in such cases.

Commiss'rs
to be elect-
ed, &c.

Passed, Feb. 10, 1831. [APPROVED, Feb. 12, 1831.]

An ACT to incorporate the city of St. Augustine.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all the free white inhabitants residing within the limits of a line drawn east and west, commencing at low water mark on the North Beach, and running west to the river St. Sebastian, so as to include Bar creek; thence along the western shore of said river to its mouth; thence east to the eastern edge of the southern sand bank, at the entrance of the harbour; thence north to intersect the first line on the north beach at low water mark; and their successors be, and are hereby declared to be a body politic and corporate, by the name and style of the city of St. Augustine, with all the rights, liberties, privileges, powers and authorities incident to, and appertaining to a corporation, body politic, or natural person, and by the said name and style, may sue and be sued, plead and be impleaded, hold, possess and enjoy, real estate, and personal property, and dispose of, and transfer the same, and so dispose of, and manage the funds of said city, as shall be most beneficial to the interests thereof.

Sec. 2. Be it further enacted, That the government of the said city shall be vested in a person, to be called the mayor, and four aldermen, to compose a council for the management of the affairs of the city. The said mayor and aldermen shall be elected annually on the second Monday of November, from amongst the qualified voters of said city.

Sec. 3. Be it further enacted, That the said council shall have power and authority to pass all laws and ordinances, that may be necessary and expedient for the good government of said city, and the preservation of the public morals; *Provided*, that they are not inconsistent with the constitution and laws of the United States, and the power hereby granted, and prohibit and punish offences against the public peace: *Provided*, no law or ordinance in this respect, shall be inconsistent with any law of this Territory. They shall especially have power to regulate, improve, alter and extend the streets, lanes, avenues and public squares, and to open new streets, and cause encroachments, obstructions, decayed buildings, and old ruins to be removed, making the parties injured by any improvements a just compensation, and charging upon those benefitted, a reasonable assessment, to be ascertained in such manner as shall be agreed upon by the parties, or by a jury of twelve men, to be organized in such manner, as by ordinance the said council may provide. They shall have power to prevent and abate nuisances, to order and compel the owners or occupants of lots upon which pools of water are, or are likely to accumulate, to fill them up: regulate and compel parties by ordinances, or otherwise, to erect and keep in repair partition fences, and may pass all laws and ordinances, that may be necessary to preserve the public health. They shall have authority to guard

town incorporated

Mayor and
aldermen.

Bye-laws.

against the introduction of infections, or malignant diseases, and for this purpose may prohibit, or regulate the ingress, or approach of vessels into the waters of the harbor, and whenever necessary, may compel them, under fixed and certain penalties, to perform quarantine, and observe such other rules and regulations, as to the said council may seem proper by ordinance to establish. They may appoint pilots for the bar and harbor, and pass all necessary laws for their government, construct wharves, keys and docks, and regulate wharfage, dockage and the mooring and anchoring vessels, erect bridges and ferries, and establish the rates of ferriage and tolls. They may erect all necessary public buildings, and dispose of the same as the interests of the city may require, and make and sink wells, erect pumps, dig drains, and do and perform all such other act or acts, as shall seem necessary, and be best adapted to the improvement and general interests of the city—and pass all necessary laws, to guard against fires, and to ensure the sweeping of chimneys: they may establish and regulate markets, and require all persons bringing fresh provisions into the city, to exhibit them for sale, at proper market hours—establish and regulate the weight and assize of bread—the inspection of provisions or other produce, (being of the growth or manufacture of this Territory) that may be brought in said city for sale, or which may be sent from it—the guaging of liquors—the measuring or weighing of any articles of produce or merchandize, and the storing of gunpowder, and all naval and military stores, not the property of the United States. They shall have power to tax auctioneers, and license and tax retailers of goods, and liquors, hawkers, pedlars, tavern and public boarding house keepers, hackney carriages, carts and drays, restrain lotteries, tippling houses, gaming houses, houses of ill fame, and theatrical or other public exhibitions, suppress riots and disorderly assemblies, and may provide for the punishment of all persons guilty of breaches of the peace, within the limits of said city, by fine and imprisonment, Provided, the fine shall in no case exceed five dollars, and the imprisonment five days.

Sec. 4. *Be it further enacted*, That the said city council shall have power and authority, to provide, by tax, or otherwise, a fund for the support the of poor, the infirm, the diseased, and insane: to establish public schools and provide for their maintainance, and to organize patrols, and provide for the punishment of negroes and persons of color.

Fund for
the poor.

Sec. 5. *Be it further enacted*, That the said council shall have power to assess, levy and enforce the collection of all such taxes and other impositions, as may be necessary for the support of the government of said city, and the improvement thereof: Provided, that no higher rate of tax shall be levied upon real estate, than one half of one per cent on the assessed value thereof, to be determined by assessors chosen in such manner as said

To collect
taxes.

council may provide: and the said taxes to be collected by distress and sale, after default shall be made in the payment thereof, in the most convenient and least expensive and oppressive way, as to said mayor and aldermen shall be deemed expedient—and the said council shall have power, further to provide for the trial of all offences that may arise under the ordinances of said city, and shall enforce the collection of all fines and penalties, that may arise as aforesaid, in such manner as said council by ordinance shall provide.

Sec. 6. Be it further enacted, That it shall be the duty of the mayor, to see that the ordinances of the city are faithfully executed, recommend for appointment all necessary city officers, and report and cause their removal whenever by negligence, or misconduct, the interests of the city may require it. He shall preside at all meetings of the board, and propose such measures as he shall think important to the public interests, but shall only be entitled to a casting vote, and he shall have power to convene the board, whenever it may be deemed necessary. He shall have, possess, exercise and enjoy all the powers, duties and privileges of a justice of the peace; and within the limits of said city, shall have jurisdiction in all civil cases wherein the amount in controversy shall not exceed one hundred dollars.

Sec. 7. Be it further enacted, That the mayor and two aldermen shall form a quorum for the transaction of all business; they may compel the attendance of their absent members, under such pains and penalties, as by rules may be prescribed; judge of the qualifications of members, and of the sufficiency, correctness or regularity of election returns, settle their own rules of proceeding, and upon the recommendation of the mayor, appoint and remove all officers, and fix their compensation, and establish such fees as may, or ought to be allowed for such services, as may be required of them: their meetings shall be public, and they shall cause a journal of their proceedings to be kept and regularly authenticated by the signature of the mayor and clerk, which shall be kept open for the inspection of all who may be interested in the proceedings of said council. The yeas and nays upon any question shall be entered upon their journals, upon a call of any two members: they shall make public all their ordinances, and resolutions, before they shall have force and efficacy, by publishing them in some newspaper printed in the city, or by posting written copies thereof, in two or more public places, if none be published therein.

Sec. 8. Be it further enacted, That all white male inhabitants of the age of twenty one years, and over, who shall have resided within the said city, at least twelve months immediately preceding the day of election, shall be entitled to vote for mayor and aldermen, they being citizens of the United States—all votes shall be given by ballot.

Duties of
the mayor.

Quorum.

Right of
suffrage

Sec. 9. *Be it further enacted*, That the elections shall be conducted by three inspectors, to be appointed at least two weeks before the day of election, by the mayor; the said mayor shall also appoint the place of holding the election, and give public notice thereon, for the like period of time.

Election:

Sec. 10. *Be it further enacted*, That the said inspectors shall be judges of the qualifications of voters, and it shall be the duty of them, or any two of them, on the day appointed by law for holding the election, to open the poll for the reception of votes, and to cause the names of voters to be recorded in a book to be kept for that purpose, which shall be deposited at the close of each election, amongst the archives of the corporation: the poll shall open at nine o'clock in the morning, and close at five o'clock in the afternoon, after which the inspectors shall proceed to count the votes, and declare the persons elected, as mayor and aldermen, and make out a written certificate thereof, at the foot of the poll list, and deliver a copy to the mayor elect, who upon receipt thereof, shall signify his acceptance or refusal.

Inspector:

Sec. 11. *Be it further enacted*; That if the said mayor elect, shall signify his acceptance of said office, the mayor shall as soon as practicable, at any time within five days, assemble the board, and in their presence administer to him the following oath:—"I, A B do solemnly swear, (or affirm) that I will to the utmost of my power, support, advance and defend the interests, peace and good order of the city of St. Augustine, and faithfully discharge the duties of mayor of said city, during my continuance in office; and I do further swear, that I will support the constitution of the United States;" and the mayor elect, upon being thus qualified, shall then administer the like oath to the aldermen elect, and thereupon the duties of the former board shall cease.

Oath:

Sec. 12. *Be it further enacted*, That if the mayor elect, or any of the aldermen shall decline to accept the office, to which he or they may have been elected, or if accepting, any, or either of them shall not qualify by taking the prescribed oaths within five days, that then the mayor in office, or the person exercising the duties thereof, shall by proclamation, direct an election to be held, for supplying such seats in the board, as may be vacant, giving at least one week's notice thereof; designating at the same time, the persons appointed to superintend and conduct the said election.

Vacancies:

Sec. 13. *Be it further enacted*, That if the office of mayor, or any aldermen shall at any time become vacant by death, resignation, removal or otherwise, it shall be the duty of the mayor, or the person exercising the duties of mayor, agreeably to this act, in like manner as is provided in the preceding section, to order a new election to fill such vacancy or vacancies.

New elections:

Sec. 14. *Be it further enacted*, That the mayor and aldermen now in office, shall be continued therein, until the next regu-

lar period of election, and if from any circumstance, an election should not be held on the regular day of election, the mayor and aldermen then in office shall be continued therein, until others shall be elected and duly qualified.

Officers.

*Act of 1824
repealed.*

Sec. 15. *Be it further enacted,* That the act entitled, "an act to incorporate the city of St. Augustine," approved December 28, 1824, and all other acts and part of acts supplementary thereto, are hereby repealed; but all laws, ordinances and resolves, in force at the repeal of said act, shall continue to be in force, until altered, amended or repealed, and all fines, penalties and forfeitures, that have accrued under said acts, may be recovered in the same manner, as if the said acts hereby repealed, was still in force.

*Duties of
council.*

Sec. 16. *Be it further enacted,* That it shall be the duty of the said council, to make provisions for, and establish a school for the education of free white children of both sexes, within the boundaries of said city; which school shall be free to all such children—And the said council may pass such ordinances as they may deem necessary for compelling persons to whom any such children may be apprenticed, or under whose charge such children may be, to send them to the same; and the said school shall be under the government and superintendence of three trustees, appointed annually, on the first of March by said council; and any vacancy occurring in said board, shall be forthwith filled by said council: said trustees shall have power to make all necessary rules and regulations for the government of said school, to appoint a teacher or teachers for it, and allow such teacher or teachers such compensation as they may deem proper; and make report of their proceedings to the said council, when requested or directed—And it shall be the duty of the said council to pay over to the said trustees, one-fourth of all the taxes collected, to be appropriated towards the support of said school; and no such children shall be admitted into said school, whose parents or guardians, or other persons having them under charge, shall not pay a city tax.

Sec. 17. *And be it further enacted,* That this act shall have effect from the time of the publication thereof.

Passed, Feb. 4, 1831.

[APPROVED, Feb. 11, 1831.]

An ACT to incorporate the Planters and Citizens' canal company, in the Eastern district of Florida.

Preamble.

WHEREAS, Gabriel W. Perpall, William H. Simmons, Daniel S. Griswold, John Lee Williams, John M. Hanson and others, have associated themselves together, for the purpose of constructing a canal to connect the waters of the Matanzas and Halifax rivers, in the counties of St. Johns and Mosquito, and have pray-

ed to be incorporated, the better to enable them to carry into effect the objects of their associations: Therefore,

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all such persons as now are, or hereafter may be associated with them, shall and are hereby declared to be a body corporate and politic, in name and in fact, by the name and style of the "Planters' and Citizens Company," and that they and their successors, by such name shall have power, and be capable of contracting, and being contracted with, of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature whatsoever, and whenever, and the said corporation may have a common seal, and may destroy, alter and renew the same at their pleasure.

Sec. 2. *Be it further enacted,* That the capital stock of said company shall be ten thousand dollars, to be divided in shares of twenty five dollars each, that the property and concerns of the said company shall be managed and conducted by eight directors, one of whom shall be president thereof, who shall hold their offices until others shall be chosen by the stockholders, and no longer, which directors shall be chosen on the first Monday in January, in every year, at such time and place as the directors for the time may appoint, of which election public notice shall be given in a newspaper, printed in the city of St. Augustine, at least twenty days previous to such election, and every such election shall be held under the inspection of three stockholders, to be appointed by the directors, and shall be made by ballot by a plurality of the stockholders present, allowing one vote for every share, and the stockholders not present may vote by proxy.

Sec. 3. *Be it further enacted,* That the directors so to be chosen, shall meet as soon as may be after every election, and choose one from their own body to be their president, who shall preside for one year, and until another shall be chosen; and in case of the death, resignation, refusal, or inability to serve of any director, such vacancy or vacancies may be filled for the remainder of the year, by the board of directors, and the first directors shall be, Gabriel W. Perpall, William H. Simmons, Daniel S. Griswold, John Lee Williams, John M. Hanson, David R. Dunham, Joseph M. Hernandez, and Douglass Dummett, one of which said directors, shall be elected president, and the said president and directors shall respectively hold their offices until the first Monday in January next, or until others are duly chosen in their places.

Sec. 4. *Be it further enacted,* That in case it should at any time happen, that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as may be regulated by the by-laws and ordinances of the said corporation.

Right to transfer.

Right of property.

Offices and officers.

Bye-laws.

Tolls, &c.

Books to be opened.

Enter upon lands, &c.

To take Canber, &c

Sec. 5. Be it further enacted, That the said stock in said corporation shall be assignable and transferable, according to such rules as the board of directors shall make and establish.

Sec. 6. Be it further enacted, That the lands, tenements, wharves, boats, hereditaments and personal property, which it shall be lawful for the said corporation to hold, shall be only such as shall be necessary for the convenient transaction of their business, or such as may be granted *bona fide* to them, or mortgaged to them, or which may be conveyed to them in satisfaction of debts, or to secure the payment of their stock.

Sec. 7. Be it further enacted, That the said corporation shall have power and authority to create such offices, and appoint such officers to them, as shall be necessary to conduct their business, and to employ such persons as they may think proper, in their said business and affairs, and pay them such compensation as the directors may think reasonable, and to displace such persons, and to employ others when they shall see fit.

Sec. 8. Be it further enacted, That the said corporation shall have power to make and establish such by-laws and regulations, touching the management of their concerns, as to them may seem proper, Provided, the same are not inconsistent with the laws of the United States, or of this Territory.

Sec. 9. Be it further enacted, That the duration of this corporation shall be thirty years, and no longer.

Sec. 10. Be it further enacted, That the said corporation shall have power and authority, to exact such tolls for the use of the said canal, or any part thereof, or of the boats, waters, tenements, privileges, advantages or appurtenances thereof, as they may think reasonable and proper, which said tolls shall be payable in advance.

Sec. 11. Be it further enacted, That to enable the said company to effect the said work, it shall be lawful for the president and directors of said company, at such time as they may determine upon, to open or cause to be opened, books for the purpose of receiving subscriptions, to increase the capital stock of said company.

Sec. 12. Be it further enacted, That in accomplishing the object for which said company is incorporated, it shall be lawful for said company, by the president and directors thereof, or by their properly authorized agent, to enter upon and take possession of any land whatsoever, whether covered with water or not, which may be necessary to the prosecution and completion of the works contemplated in this act, or whereupon it may be necessary to open any canal, or to construct any dam, embankment, lock or other fixtures, intended or implied by this act.

Sec. 13. Be it further enacted, That it shall be lawful for the president and directors of said company, or their properly authorized agents, to take from any land most convenient to the

said canal, at all times, such timber, stone, earth, and other materials as may be necessary for the construction of, and keeping in repair the said works and improvements.

Sec. 14. *Be it further enacted*, That whenever it shall become necessary for the said company to take possession of, and use any land, timber, stone or other materials, owned by private individuals, for the route and site of the said works, or for the construction and keeping in repair the same, or any part thereof, and the parties do not agree upon the value of the same, it shall and may be lawful for the president and directors of the said company, or their properly authorized agent, to apply to the judge of the superior, or county court of the county in which such lands, timber, stone, or other materials may be, for a writ of *ad quod damnum*, directed to the sheriff, marshal, or other officers of said county, properly qualified, to summon five disinterested persons of lawful age, and housekeepers, to meet and value the said property upon oath, to be administered to them by the sheriff, marshal or other officer, summoning the same, whose duty it shall be to attend said inquest in person, and receive their report, and also receive from the president and directors of said company, or their agent, the sum or sums of money adjudged by the said report, and to pay over the same to the person or persons authorized to receive it, and to take an acquittal for the same, and until payment is made to the sheriff, marshal or other officer aforesaid, of the sum or sums awarded, it shall not be lawful for the said company to take possession of, or use such lands, timber, stone, or other materials ; and also the expenses incurred in the execution of the writ of *ad quod damnum*, shall be paid by the said company, but the appraisers shall not receive more than one dollar each per day, while engaged in such duty.

Sec. 15. *And be it further enacted*, That this act shall be in force from the passage thereof, and that it shall be fully competent to future legislatures to repeal, alter and modify the same, as the interest of the country may require.

Passed, Feb. 8, 1831.

[APPROVED, Feb. 11, 1831.]

Writ of ad
quod damnum.

An ACT to incorporate a company to be entitled the Wacissa and Aucilla navigation Company.

WHEREAS, the interests of the territory would be greatly promoted by the clearing out of the channel of the Wacissa river to its junction with the Aucilla river, and thence to the gulf of Mexico :

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That James Gadsden, Achille Murat, E. B. Vass, William B. Nuttall, Thomas Randall, John G. Gamble,

Preamble.

**Company
corporate**

Robert Gamble, William Bellamy, Samuel Proitau, Abram J. Cabell, and John A. Cuthbert, and such other persons as they may receive into their company, their successors and assigns, shall forever be a body corporate and politic by the name and style of the "Wacissa and Aucilla navigation company," and by such corporate name shall be capable in law to buy, purchase, hold, and sell real and personal estate, to receive donations, to make contracts, to sue and be sued, to implead, and be impleaded, to have a common seal, and to alter or renew the same when they may deem it necessary, to regulate the manner by which shares in said company may be transferred, to make by-laws, which shall not be contrary to the laws of this territory, or of the United States: and to do all lawful acts incident to a corporation, and which may be necessary and proper for the convenient management of its affairs.

Elections.

Sec. 2. *Be it further enacted,* That the said company shall annually hold an election, at such times and places and under such regulation and restrictions as they in their by-laws may prescribe, for a president and as many directors as may be required for the management of their business; the number of directors to be previously determined on and declared in their by-laws; and the said president and directors, when elected, shall have power to appoint such subordinate officers and agents as may be deemed necessary, and at any time to dismiss them from office, and be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the company, as to them shall appear conducive to its interests.

Stock.

Sec. 3. *Be it further enacted,* That the stock of said company shall be divided into as many shares as they may think proper; and the votes of each stockholder shall be according to the number of shares he may hold, to be regulated and agreed upon by the said company and made known in its by-laws.

**Clear out
river.**

Sec. 4. *Be it further enacted,* That the said company shall have the right to clean out and make the said Wacissa and Ocilla rivers sufficiently navigable for boats drawing not more than eighteen inches water, from the head of the said Wacissa to the gulf of Mexico; and to effect the said object, the said company shall have the right to cut such canals, erect such dams or embankments, construct such lock or locks, and to make, construct and erect such other works as they may deem necessary for making said rivers navigable as aforesaid; and, furthermore, if the said company shall hereafter deem it more advisable to connect the Wacissa river with the St. Marks river, by a navigable canal, they are hereby authorised and empowered to do so.

**Books to be
opened.**

Sec. 5. *Be it further enacted,* That to enable said company to effect the said work, it shall be lawful for the president and directors of said company at such time as they may determine upon, to open, or cause to be opened, books for the purpose of

receiving subscriptions, to create or increase the capital stock of said company.

Sec. 6. Be it further enacted, That in accomplishing the object for which said company is incorporated, by clearing out the channels of said rivers so as to render them navigable, or by constructing canals or other works, it shall be lawful for said company by the president and directors thereof, or by their properly authorised agent, to enter upon and take possession of any lands whatsoever, whether covered with water or not, which may be necessary to the prosecution and completion of the works contemplated in this act, or whereupon it may be necessary to open any canal, or to construct any dam, embankment, lock or other fixtures, intended or implied by this act: Provided, that no lands owned by private individuals shall be taken for said purposes without adequate compensation.

Enter upon
lands, &c.

Sec. 7. Be it further enacted, That it shall be lawful for the president and directors of said company, or their properly authorised agents, to take from any land, most convenient to their works, at all times such timber, stone, earth and other materials, as may be necessary for the construction of, and keeping in repair said works and improvements: Provided, that nothing belonging to private individuals shall be taken without adequate compensation.

Take tim-
ber, &c.

Sec. 8. Be it further enacted, That whenever it shall become necessary for the said company to take possession of, and use any land, timber, stone, or other materials, owned by private individuals, for the route and site of the said works, or for the construction and keeping in repair of the same, or any part thereof, and the parties do not agree upon the value of the same, it shall and may be lawful for the president and directors of the said company, or their properly authorised agent, to apply to the judge of the county court of the county, in which such lands, timber, stone, or other materials lie, for a writ of *ad quod damnum*, directed to the sheriff, marshal, or other officer, of said county, properly qualified, to summon five disinterested persons of lawful age and housekeepers, to meet and value the said property upon oath to be administered to them by the judge, sheriff, marshal, or other officer, summoning the same, whose duty it shall be to attend said inquest in person, and receive their report, and also receive from the president and directors of said company, or their agent, the sum or sums of money adjudged by said report, and to pay over the same to the person or persons authorised to receive it, and to take an acquittal for the same; and until payment is made to the sheriff, marshal, or other officer, aforesaid, of the sum awarded, it shall not be lawful for the said company to take possession of, or use such land, timber, stone, or other materials,—and all the expenses incurred in the execution of the writ of *ad quod damnum* shall be paid by said company; but the ap-

Writ of ad
quod dam-
num.

praisers shall not receive more than one dollar each per day while engaged in such duty.

Right to property.

Sec. 9. *Be it further enacted,* That all property so assessed and paid for, by the president and directors of said company, or their agent, agreeable to the provisions of this act, and all purchases made by, and donations made to them, shall forever after belong to, and become the property of the said company, their successors and assigns, in fee simple.

Tolls, &c.

Sec. 10. *Be it further enacted,* That the president and directors of said company, shall be authorized to agree upon such rate of tolls, for the use of such navigation, as they may deem reasonable; and so soon as said rivers shall have been made navigable from a point, one mile below the head of the Wacissa river to the Gulf of Mexico, for boats having a draught of eighteen inches of water, the said company shall be entitled to demand and receive said tolls upon all produce, goods, merchandize, or other articles, and upon all boats and other craft, which may be transported upon, or pass down or up said rivers, or the canals of said company—And the said company may from time to time, as circumstances may require, change and alter said rates of toll or fees: Provided, that no alteration which may increase the rates of tolls, shall have effect until one month previous notice thereof, shall have been given by advertisement, posted on the courthouse of the county of Jefferson—And the said company shall continue to receive and collect such tolls and fees, as they may from time to time establish, so long as said navigation shall be kept in sufficient order, for the transportation in boats as aforesaid; and all produce, goods, merchandize, boats, and other articles or things, which may be transported or conveyed upon said improved rivers, canals or navigable waters, shall be liable for the tolls and fees, for which they are respectively chargeable, and may be detained until the same be paid and discharged; Provided, that nothing herein contained shall be so construed, as to allow the said company to exact any toll on any boat, or produce going down from, or coming up to any part or point of either of said rivers, to where they at present afford safe navigation, for boats drawing eighteen inches water.

Regulating tolls, &c.

Sec. 11. *Be it further enacted,* That after the expiration of two years, from the time that said company shall begin to receive tolls for the use of said navigation, it shall be the duty of the president and directors of said company, so to regulate the rate of toll, as that after defraying the cost of repair, superintendance and other expenses incurred by said company, the nett dividends or profits thereof, shall not average more than twenty per centum per annum, upon the amount actually expended in the execution of said work.

Sec. 12. *Be it further enacted,* That it shall be the duty of said company, to commence their works for the improvement of

said rivers and navigation, within the term of two years from the passage of this act; and shall complete the same on or before the first day of January one thousand eight hundred and thirty eight; and if the said work shall not have been commenced within the time aforesaid, or having been commenced, shall be abandoned or neglected for the term of one year at any one time, without any attempt to prosecute the same, or if after said works shall have been completed, they shall be permitted to go down, and remain for the term of one year, without any attempt to repair or put the same in good order, then and in either of these events, the said corporation shall be dissolved, unless some unavoidable cause shall be shewn in justification; and this act shall be liberally construed for the benefit of said company, and to enable them to carry into complete effect, the object herein contemplated, and shall continue in force thirty years.

When to commence &c.

Passed Feb. 3, 1831.

[REJECTED, by the Governor, Feb. 11, 1831.
Reconsidered by the Council Feb. 11, 1831, and passed by the requisite majority.

An ACT to incorporate the trustees of Pensacola Academy.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That an election shall and may be held at the courthouse in the city of Pensacola, on the first Monday of March next, under the superintendence of Samuel Fry, Joseph Bonesoi, and John B. Foster, or either of them, for the choice of five trustees of the Pensacola academy; and the persons having the highest number of votes, to be given by the qualified voters for city officers in said city, shall be declared elected.

Comm'r's appointed.

Sec. 2. *Be it further enacted,* That the five persons chosen as heretofore provided for, shall be, and they are hereby made a body politic and corporate, by the name and style of the "trustees of the Pensacola academy," with all the powers, rights, and capacities usually belonging to corporations of a like nature.

Name, &c.

Sec. 3. *Be it further enacted,* That an election shall be annually held on the first Monday in March, in every year, for the choice of trustees of said academy; but the trustees elected at the first, or any subsequent election herein provided for, shall continue in office until their successor be duly qualified.

Elections.

Sec. 4. *Be it further enacted,* That the said last mentioned election, shall be held annually in such manner, and under the superintendence of such persons, as the trustees shall, by their by-laws prescribe; and the citizens of Pensacola qualified to vote for mayor and aldermen of said city, shall have the right of voting for such trustees.

Right to vote.

Passed, Feb. 10, 1831.

[APPROVED, Feb. 12, 1831.]

An ACT to establish a ferry over the Suwannee river.

May estab-
lish ferry.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That J. W. Dabney be, and he is hereby vested with the right and power of establishing a ferry, and charged with the duty of keeping the same in repair, across the Suwannee river at Ambrister, or Suwannee old town: and the said J. W. Dabney, shall continue in the enjoyment of the right of said ferry, for and during the term of four years; Provided, that the said J. W. Dabney shall so long keep the said ferry in good repair.

Exclusive
privilege.

Sec. 2. *Be it further enacted,* That it shall be unlawful for any other person or persons, to establish or keep a ferry within five miles of said ferry, on the river Suwannee; except it be for his, or their own exclusive use, and not for gathering toll.

To keep a
ferry, &c.

Sec. 3. *And be it further enacted,* That it shall be the duty of the said J. W. Dabney, his heirs and assigns, to keep at all times, a good and sufficient flat or other craft of sufficient size to cross a waggon and team, and that he shall receive such toll as may be fixed from time to time, by the county court of Madison county, and subject to the order of said court, or any future Legislative council of this Territory.

Passed, Feb. 10, 1831.

[APPROVED, Feb. 12, 1831.]

May elect
officers, &c.

An ACT to amend the act, to organize and regulate the militia of the Territory of Florida.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That whenever any county in this Territory, where there has been no election for militia officers; or for any other cause, there is no qualified colonel in said county, it shall and may be lawful for persons, subject by law to militia duty, to form themselves into Volunteer companies, of not less than twenty, nor more than one hundred, they shall elect their officers, and upon a petition signed by two thirds of the members of such companies respectively, the Governor shall commission the officers named, in such petition in the same manner, as though the colonel of the proper county or regiment, had recommended such volunteer company, in the manner provided by law; and the said officers shall hold their offices for the term of two years.

Passed, Feb. 10, 1831.

[APPROVED, Feb. 12, 1831.]

An ACT to amend an act, to constitute a board of Trustees for Fort St. Marks.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the governor be, and he is hereby authorized to appoint a commissioner, to examine and ascertain what repairs are indispensably necessary, to be made to the public buildings at Fort St. Marks; and to lease out any, or all of them, to such persons as will agree to take them for the shortest length of time, and make the repairs which the said commissioners shall prescribe: Provided, that none of the buildings aforesaid, shall for any prescribed repairs, be leased longer than one year, from the time of leasing.

Commissioner appointed.

Sec. 2. *Be it further enacted,* That it shall be the duty of the commissioner hereby authorized to be appointed, before he enters on the duties, to give a bond in the sum of five hundred dollars, payable to the governor of the territory, with such security as shall be approved by the governor, conditioned for the faithful discharge of the duties enjoined by this act; and he shall also before some one authorized to administer oaths, take an oath that he will faithfully and impartially discharge his duty; which oath and bond shall be placed in the office of the secretary of the territory.

Give bond.

Sec. 3. *Be it further enacted,* That it shall be the duty of the commissioner, to examine all the public buildings and make out a written statement, shewing particularly what kind of repairs are to be made to each building, of what materials they are to be made, and the manner in which they are to be finished; this statement shall be exhibited at the time of leasing, and to all persons who may wish to see it before that time, and shall be fully stated to the public; he shall lease them at public outcry, to such person or persons, as shall agree to take them for the shortest length of time, not to exceed the time before specified, and make the repairs which shall be prescribed. The buildings shall be offered separately, or in such lots as in the opinion of the commissioner, shall be most conducive to the public interest, and the said commissioner shall take a bond and good security from each person leasing the buildings, requiring them to execute the repairs within the time in which they have respectively agreed to take them, and to give them up to the commissioner at the expiration of that time.

His duty.

Sec. 4. *Be it further enacted,* That it shall be the duty of the commissioner, to cause public notice to be given at least twenty days before the time of leasing, at St. Marks, Magnolia, and in one newspaper at Tallahassee, and the said leasing shall take place on the first day of April next.

Notice to be given.

Sec. 5. *Be it further enacted,* That if the time for which any of the buildings are leased, shall expire within one year from the time of leasing, it shall be the duty of the commissioner, to ad-

Expiration of lease.

vertize and lease the building or buildings to the highest bidder, after having given notice as before directed, for the remainder of the year, and shall take bond and security for the quarterly payment of the rent.

Sec. 6. And be it further enacted, That all acts and parts of acts, contrary to the provisions of this act, be, and the same are hereby repealed.

Acts repeal
ed, &c.

Passed, Feb. 10, 1831. [APPROVED, Feb. 12, 1831.]

An act to incorporate the Trustees of Leon Academy.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the academy in Tallahassee shall be known and styled by the name of Leon Academy, and that David B. Macomb, James McMullin, Robert Butler, Turbutt R. Betton, John P. Duval, R. K. Call, William Williams, Charles Austin, Leslie A. Thompson, and John Y. Garey, and their successors in office, be, and they are hereby declared to be a body politic and corporate, by the name and style of the Trustees of Leon Academy, and as such, shall be capable and liable in law, to sue and be sued, plead and be impleaded, and shall be authorized to make such by-laws, and regulations as may be necessary for the government of said academy: Provided that such by-laws be not repugnant to the laws of this territory, or the laws or constitution of the United States, and for that purpose they may have and use a common seal, appoint such officers as they may think proper, and remove the same from office, for improper conduct, or neglect of duty.

Sec. 2. Be it further enacted, That the said Trustees, shall be, and are hereby made capable of accepting, and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or may hereafter be conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit, and behoof of the said Academy.

To receive
donations.

Sec. 3. Be it further enacted, That when any vacancy may happen by death, resignation or otherwise, of any of the trustees of said academy, the survivors, or a majority of said trustees, shall fill the vacancy in said manner, as shall be pointed out in the by-laws and regulations of the trustees aforesaid.

To fill va-
cancies.

Passed, Feb. 10, 1831. [APPROVED, Feb. 12, 1831.]

An ACT to amend the several acts incorporating the Bank of West Florida.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the directors of the bank of West Florida may, whenever they shall think it expedient, increase the capital stock to five hundred thousand dollars, or to such smaller sum as they may think proper. And in case of the increase of the capital stock, there shall be books of subscription opened, at such times and places and under the superintendence of such persons as the directors, for the time being, may appoint, to subscribe for the increased stock; and the stock shall be subscribed for as in the manner prescribed by the existing charter of said bank.

Increase
stock, &c.

Sec. 2. Be it further enacted, That the directors of the bank of West Florida, in their discretion, may establish an office of discount and deposit, at the town of Appalachicola, in Washington county, upon the same terms, and in the same manner as shall be practised at the bank established at Marianna, and to commit the management of said branch, and the making the said discounts to such persons, under such agreements and subject to such regulations as they shall deem proper, not being contrary to law, or charter of said bank: Provided, that not more than one half of the stock now, and hereafter to be subscribed, shall be under control of the said office of discount and deposit, at Appalachicola.

Duty of the
directors.

Sec. 3. Be it further enacted, That when any other bank, company, or corporation, shall apply at this bank, or any of its offices of discount and deposit, and demand specie in payment of the bills or notes which said bank, company, or corporation, may hold on this bank; the said notes or bills shall and may be paid off in the whole or a part of this bank, or such of its offices of discount and deposit, in notes or bills, which this bank, or such of its offices of discount and deposit may hold upon such bank, company or corporation; and the cashier of this bank, or such of its offices of discount and deposit, may, if he requires it, demand an oath in writing of the person presenting said bills or notes for payment, that such notes or bills, so presented for payment, are not the property of any other bank, company or corporation.

Payment
of notes.

Sec. 4. Be it further enacted, That notes issued by the mother bank shall be made payable at the same—and the notes issued by any of its offices of discount and deposit shall be made payable at said offices.

Sec. 5. Be it further enacted, That the stockholders in the bank of West Florida, may and shall on the first Monday in May next, and annually thereafter, on the first Monday in January, proceed to the election of seven directors, whose duty it shall be at the first meeting subsequent to their election, to choose

Election of
directors.

One of their own members as president: Provided, nevertheless, that if it should at any time happen that an election for directors should not be made upon any day, when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of said corporation; and the directors, for the time being, shall in all cases continue to act until their successors are elected: And provided further, that in the case of the death, resignation, or absence from the territory, or removal of a director, his place may be filled up by a new choice, made by the remaining directors, for the balance of the year.

Passed Feb. 10, 1831.

[REJECTED by the Governor, Feb. 12, 1831.
Reconsidered by the Council, Feb. 12, 1831, and passed by the requisite majority.

An ACT to impose a tax on Hawkers and Pedlars in this Territory.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall be the duty of every pedlar, or itinerant trader, who shall wish to vend any goods, wares, or merchandize in this territory, to apply to the clerk of the county court, in each county, in which he may wish to trade, and procure a license under the seal (if any there be,) of the said court, which shall be sufficient to authorize said applicant to vend goods, wares and merchandize within said county, and no other, for the term of twelve months, from and after the date of said license; Provided, that such applicant shall take and subscribe before said clerk, who is hereby authorized to administer the same, the following oath, or affirmation, to wit: "I — now applying for license to vend goods, wares, and merchandize in the county of — do solemnly swear, or affirm (as the case may be) that I will use this license in no other county, than the one for which it is granted, nor will I suffer any other person or persons, in mine, or their name, or names, to use the same, so help me God"—which said oath or affirmation shall be recorded by the clerk granting such license, in a book to be kept by him for that purpose.

Sec. 2. Be it further enacted, That upon the granting of such license, the said applicant shall pay the sum of twenty dollars, to be paid by said clerk into the treasury of this territory; as also the sum of five to the clerk granting said license, for his services; and in all cases where the said pedlars shall take out such license, and pay said tax to the clerk, and the clerk shall fail to pay over the same to the treasurer of this territory, agreeably to the provisions of this act, and within six months after the

Oath.

Licenses.

granting of such license, he shall be subject to indictment, and if found guilty, shall be fined in a sum of not less than double the amount so received by him.

Sec. 3. *Be it further enacted*, That upon oath being made to any judicial officer of this territory, that any pedlar or itinerant trader has been guilty of a violation of this act, it shall be the duty of such officer to issue his warrant to any officer authorized to execute process, directing him to take such offender, and bring him before such judicial officer, together with the goods, wares, and merchandize, such trader may have in his possession, and if such person so charged, be found guilty, he shall be fined in a sum not less than fifty, nor more than one hundred dollars, one half to the informer and one half to the territory.

Sec. 4. *And be it further enacted*, That nothing in this act contained, shall be construed to extend to Hawkers and Pedlars licensed by the proper authorities of any incorporate town or city, to trade within the limits of said town or city.

Passed, Feb. 10, 1831. [APPROVED, Feb. 12, 1831.]

An ACT to provide for issuing writs of Certiorari.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the clerks of the superior courts in this Territory, shall at all times have power, upon the application of any party in the county court, or before a justice of the peace, who may be dissatisfied with any judgment, in which he was a party, in either of said jurisdictions; to issue writs of certiorari: Provided, however, that said writs of certiorari, shall in no case operate as a supersedeas, unless the party applying for the same, shall file with the said clerks, a bond with good and sufficient security, conditioned for the payment to the opposite party, of the debt and costs and damages which may have accrued, or may accrue, in consequence of the obtaining of said writ of certiorari.

Passed, Feb. 10, 1831. [APPROVED, Feb. 12, 1831.]

Fine for the
violation of
this act.

Clerks S.,
courts au-
thorised to
issue writs
certiorari.

An ACT relating to the County Court of St. Johns county.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the spring term of the county court of St. Johns county shall be held on the third Monday of May in each and every year; and that so much of the sixteenth section of an act entitled an "act establishing the boundaries of the counties in this territory, and appointing the time of holding county courts," approved 23d November 1828, as is inconsistent with the provisions of this act, be, and the same is hereby, repealed.

Passed, Feb. 13, 1831. [APPROVED, Feb. 13, 1831.]

An ACT to amend an act entitled an "act concerning the election of members of the Legislative Council of the Territory of Florida."

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the election for members to the legislative council, of this territory, shall hereafter take place on the first Monday of November in each and every year, and under the rules, regulations, and restrictions prescribed by the act to which this is an amendment.

Sec. 2. *Be it further enacted,* That in the case of the death, or resignation of any member elect, a new election shall be ordered by the presiding justice, at the court house of the proper county, giving as long notice thereof as circumstances will permit.

Sec. 3. *Be it further enacted,* That the second section of the act, to which this is an amendment, shall be, and the same is hereby, repealed.

Passed, Feb. 6, 1831.

[APPROVED, Feb. 13, 1831.]

**RESOLUTIONS
OF THE
LEGISLATIVE COUNCIL.**

RESOLUTION OF THE LEGISLATIVE COUNCIL.
WHEREAS, the introduction of a branch of the United States bank, within this territory, would increase the circulating medium, facilitate commerce, and greatly promote the general interest of the community:

Therefore be it resolved by the Governor and Legislative Council of the Territory of Florida, That the president and directors of the bank of the United States, be requested to locate a branch within the limits of this territory.

Resolved, That the Governor be requested to transmit a copy of this resolution to the president and directors of the bank of the United States, and certify the same under the seal of the territory, with his signature affixed thereto.

ADOPTED, Jan. 22, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved, That the governor be requested to have the laws of this session half bound before distribution, and that he draw for the cost thereof, out of the appropriation by congress.

ADOPTED, Feb. 13, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our delegate in congress be requested to endeavor to procure the passage of a law increasing the number of the legislative council to eighteen, so as to allow a member to each of the counties of Walton and Washington, and one additional member to the counties of Hamilton, Madison and Jefferson.

ADOPTED, Jan. 10, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our delegate in congress from this territory, be, and he is hereby requested to endeavor to procure the passage of a law increasing the number of the legislative council, so as to allow an additional member for the county of Leon.

And be it further resolved That a copy of this resolution be forthwith forwarded to the delegate.

ADOPTED, Jan. 10, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, the term of service for which his Excellency, William P. Duval, was appointed, Governor, is about to expire; And, whereas, the members of this council representing, as they believe, the varied interests and wishes of the people of the territory, do concur in the recommendation of his Excellency for re-appointment to the distinguished office he now holds:

Be it therefore resolved by the members of the council, That our president be requested, without delay, to transmit to the president of the United States the high sense of the confidence reposed by them in the abilities and eminent services rendered by his Excellency to the people of Florida; and the earnest expression of a hope that the appointing power will again confer the office upon one who has filled it with so much honor to himself, and satisfaction to the people.

ADOPTED, Jan. 18, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, it is represented to this legislative council of the territory of Florida, That for the want of a knowledge of the english language, or from other circumstances, numbers of the old inhabitants of this territory residing in Florida, have through ignorance of the laws of congress, on the subject of land claims, omitted to file their said claims before the board of land commissioners, within the time prescribed by the said laws of congress:

Be it therefore resolved, That our delegate in congress, be requested to endeavor to obtain the passage of a law, authorizing persons who, through ignorance of the laws, or other circumstances, have omitted to file their claims before the late board, for the settlement of land claims, to file the same before the superior court of said district, or such other tribunal, as may be deemed proper.

ADOPTED, Feb. 8, 1830.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, the subject of general education is one of high and vital importance to the people of this territory, and deserves the special attention of those who have the enactment of laws for their welfare; and, whereas, the national government in furtherance of the important object of affording the means of acquiring knowledge equally to all the people of Florida, has reserved for the use of the inhabitants of each township, the sixteenth section of land; and, whereas, by reason of the peculiar character of the lands of this territory in their unequal fertility, and the donation, in many townships, has been rendered entirely valueless, and as public munificence should be bestowed, as public exactions are levied, equally upon all;

Be it therefore resolved., That our delegate in congress be and he is hereby requested to procure the passage of a law authorising the appointment, by the legislative council, of nine commissioners; three for east; three for middle, and three for west Florida; who, upon the application of the inhabitants of any township in their respective districts, shall examine the sixteenth section thereof, and if the same shall not be considered of the value of \$1.25 per acre, that said commissioners may locate for such township, any other section of land in said district, for the purpose originally intended.

ADOPTED, Feb. 13, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, the wishes and interests of the people of Florida call for the attention by congress of the organic law of this territory, and the allowance of additional members to this house, so that the people of every county may be properly and fully represented; and also for the creation of a senate, to be composed of eight members; and, whereas, such privileges have been granted to the people of other territories:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the delegate in congress, from this territory, be requested to apply for such modification of the organic law; and that a copy of this resolution be forwarded to him by the secretary of the territory; and that a copy be also forwarded to the president of the United States.

ADOPTED, Feb. 7, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, there have been annually appropriated, since 1824, by the congress of the United States, thirty thousand dollars for surveys of roads and canals, none of which, "it is believed" has ever been expended in the territory of Florida; and as the only surveys ever made, have not been by the direction of the President, (who has, by law the power of disposing of that appropriation) but under special laws of the United States; and as this legislative council entertain the opinion, that there are works of internal improvement, in this territory, of essential interest to its inhabitants, and connected with great national improvements, in which the western and south western states are deeply concerned, and in which no constitutional question can be presented,—the advantages of which have been disclosed in addresses and letters to committees of congress, and their reports thereon.

Be it therefore resolved, That the president be, and he is hereby requested, to cause to be specially surveyed, and an estimate of the cost presented, of canals to connect Mobile and Pensacola bays, and thence, pursuing a northern line along the

Gulf of Mexico, between Choctacohatchie bay and river, and the western of St. Andrew's bay, ; and, from the east side of St. Andrew's, to Chipola river, and on to the Appalachicola, with a view of opening a channel of internal communication, for the conveyance of the products of the Mississippi, to the various points on the northern coast of the said gulf of Mexico.

Resolved further, that the president be requested to cause a survey and estimate of a canal, from the St. Mary's river "by St. Augustine," through the intervening sections of land, to form a continuous navigation, from that point to the Florida keys, with a view to a steamboat navigation inland, through the sounds, bays, and rivers of Florida, and the existing sounds north of it, from Charleston and Savannah to Cuba.

Be it further resolved, that a copy of these resolutions, be immediately enclosed to our delegate in congress, requesting him to lay the same before the president.

ADOPTED, Jan. 26, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved, That the committee appointed to contract for the printing of the laws, be instructed to contract for the printing of such laws and treaties of the United States, in relation to Florida, (not printed under the authority of this territory, with the laws now in force) as the said committee may deem proper.

ADOPTED, Feb. 8, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, in the opinion of this house, the appropriations heretofore made by Congress, for the benefit and internal improvement of this territory, have not been properly distributed, according to the circumstances and wants of the country; and whereas the town of Appalachicola, from its present commercial importance requires, as it deserves, the aid of the national government:

Be it therefore resolved, by the Governor and Legislative Council of the Territory of Florida, that our delegate in congress, be earnestly requested to endeavor to procure an appropriation, as early as practicable, for the erection of a light house, at the mouth of the Appalachicola river; and that he be also requested to endeavor to procure the passage of a law, providing for the transportation of the mail, from some point in the interior to the town of Appalachicola.

Be it further resolved, that the president of the council be instructed forthwith, to transmit copies of these resolutions to the delegate—and to the post master general.

ADOPTED, Jan. 27, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

WHEREAS, it is represented to this legislative council that the sixteenth section reserved for school purposes, in the county of St. Johns in the eastern district of Florida; will, in all probability, be of little or no value and in no way calculated to answer the benign intentions of congress, in making the reservation:

Be it therefore resolved, That our representative in congress be requested to endeavor to have a law passed granting the privilege to the said county of St. Johns to locate the section of land within the limits of said county, or any of the public lands in the eastern district of this territory.

And be it further resolved, That the president of the legislative council be requested to order a copy of this resolution to be forwarded to our delegate in congress immediately after its adoption.

ADOPTED, Feb. 3, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved, That the treasurer be, and he is hereby authorized and required, to continue the issue of territorial scrip, under the same rules, regulations, restrictions and provisions, as were authorised by a law, passed at the last session of the legislative council.

ADOPTED, Feb. 13, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved, That the board of directors of the commissioner of Tallahassee, be, and they are hereby authorized to examine all the vouchers for the payment of money, arising from the sale of lots in Tallahassee; and when they shall find that any of the said money has been paid out or expended contrary to any act of this territory, they shall report to the next legislative council, the names of those by whom it was paid, or authorised to be paid, the amount so paid and to whom, which they may find to have been so improperly expended.

ADOPTED, Feb. 13, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved, That the commissioner of Tallahassee, under the authority and direction of the board of directors, be, and he is hereby authorized to have the capitol repaired in a suitable manner; and that the sum of \$800, or such part of it as may be necessary, now in hands, be applied to that purpose.

ADOPTED, Feb. 13, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved by the Governor and the Legislative Council of the Territory of Florida, That the delegate in congress, from this territory, be requested to procure, at this session of congress, an appropriation of fifteen hundred dollars to defray the expenses of the publication of the statutes of this territory, as directed by the act of this session, and that a copy of this resolution be forwarded to him.

ADOPTED, Feb. 3, 1831.

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolved, That our delegate in Congress, be requested to have the engineers employed in surveying a canal across the peninsula of Florida, to enquire into the practicability and probable cost of making a rail-way across the peninsula, from the St. John's river, or nearest adjoining navigable water, on the Atlantic side of said peninsula, to the Suwannee on the gulf of Mexico, and make report thereon, together with their report on the said canal route..

ADOPTED, Jan. 27, 1831.

LAWS
OF THE
UNITED STATES,
DIRECTED
TO BE PUBLISHED BY RESOLUTION OF THE COUNCIL.

An ACT to confirm the reports of the Commissioners for ascertaining Claims and Titles to Lands in West Florida, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the decisions made by the Commissioners, appointed to ascertain claims and titles to lands in the District of West Florida, made in favour of claimants to lands and lots in said District, contained in the reports, opinions, and abstracts, of the Commissioners, which have been transmitted to the Secretary of the Treasury, according to law, be, and the same are hereby confirmed.

Decisions of commrs confirmed.

Sec. 2. *And be it further enacted,* That all the reports, abstracts, and opinions, made and forwarded by the two Commissioners in said District, subsequently to the first day of January, eighteen hundred and twenty-five, the period at which that Board expired by law, be, and the same are hereby, recognised as valid, and confirmed as aforesaid; and the said Commissioners, and their Secretary, shall be entitled to receive the same compensation as they were authorized to demand by law, prior to that day, up to the time at which the Receiver and Register took possession of their records, in obedience to an act of the third day of March eighteen hundred and twenty-five, entitled "An Act to extend the time for the settlement of private land claims in the Territory of Florida," &c.

Reports to be made & forwarded.

Sec. 3. *And be it further enacted,* That the Spanish claims contained in special reports, one to thirty, reported in obedience to the fourth section of an act of Congress, approved May eighth eighteen hundred and twenty-two, entitled "An Act for ascertaining claims and titles to lands in the territory of Florida," be, and the same are hereby, confirmed to the claimants in possession.

Spanish claims, &c; confirmed.

Sec. 4. *And it further enacted,* That the claims to lots in report and abstract K, recommended for confirmation as equitable.

Claims to
lots &c.
confirmed.

Certain
claims con-
firmed.

Location of
the claim of
Francisco
& Fernan-
do Moreno

Claims to
lands con-
firmed,&c.

Provisoes.

Lands &c.
reserv'd for
the U. S.

tiles, with the exception of the last ten, be, and the same are hereby, declared valid and confirmed, and the claim of the Catholic inhabitants to a lot on which the church stands, be, and the same is hereby, confirmed to them for that use, so long as it is occupied for that purpose.

Sec. 5. *And be it further enacted,* That the claims contained in the report of the Receiver and Register, made to the Secretary of the Treasury, in obedience to a law of the last session of Congress, dated the thirteenth day of July, eighteen hundred and twenty five, be and the same are hereby, confirmed.

Sec. 6. *And be it further enacted,* That the claim of Francisco and Fernando Moreno, near Fort San Carlos de Barrancas, shall be so located as not to interfere with the grounds reserved by the laws and ordinances of the Spanish Government, for forts, nor with that which has been lately selected for a navy-yard and naval depot, by the Navy Commissioners, and approved by the President of the United States.

Sec. 7. *And be it further enacted,* That the claims to lots in report L, with the exception of that on the square Ferdinand Seventh, be, and the same are hereby, approved and confirmed, so far as the United States have any title to the same, without prejudice to the rights of the corporation: and the plan of the Constitutional Cabildo, are relinquished and confirmed to the corporation of Pensacola; and the lots reserved and granted for church, parish, vicar, school, and custom-house, are respectively set apart and confirmed, for the objects set forth in the decrees of said Cabildo, so far as the United States have any title to the same, without prejudice, as aforesaid: *Provided,* That no claim on the public squares of Seville, Ferdinand Seventh, and the square and garden which the court house stands, as laid off in said plan of the Cabildo, shall be allowed or recognised as valid, by this act; and *Provided, also,* That the confirmation of all the said claims provided for by this act, shall amount only to a relinquishment forever, on the part of the United States, of any claim whatever to the tract of land, so confirmed or granted.

Sec. 8. *And be it further enacted,* That the lands fronting Pensacola Bay, from the mouth of the Big Bayou, to a line below Tartar Point, and thence back to the Bayou, selected by the Navy Commissioners, and all the lands fronting said bay, and for one mile back, as far as the Grand Lagoon, shall be reserved from sale or location, for the use of the navy-yard or depot, and for other public works of the United States.

Sec. 9. *And be it further enacted,* That the proper accounting officers of the Treasury Department, be, and they are hereby, authorised to receive and adjust the accounts of the Commissioners appointed to ascertain claims and titles to lands

in East and West Florida, for the contingent expenses of said Commissioners, and to pay the same out of any money in the Treasury not otherwise appropriated.

APPROVED, 22 April, 1826.

An ACT to provide for the location of the two townships of land reserved for a seminary of learning in the Territory of Florida, and to complete the location of the grant to the deaf and dumb asylum of Kentucky.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the township of land reserved in the district of east Florida by an act of Congress; approved the third day of March, one thousand eight hundred and twenty three, for a seminary of learning, shall be located east of the Appalachicola river, and may be located in sections corresponding with any of the legal divisions into which the public lands are authorized to be surveyed, so as not to interfere with private land claims, or the rights of pre-emption; and the township located west of the Appalachicola river, as directed in the aforesaid act, so far as it is covered by the claims of those entitled to the right of pre-emption, by the act approved the twenty second of April, one thousand eight hundred and twenty six, shall be located in sections upon any unappropriated lands in said district of country, until the amount taken by said interferences shall be satisfied and discharged.

Sec. 2. Be it further enacted, That the governor and legislative council of said territory, shall have power to take possession of the lands granted for the use of schools and for a seminary of learning, and to lease the same from year to year; and the money arising from the rent of said lands shall be appropriated to the use of schools, and the erection of a seminary of learning, in such manner as they may direct; and they shall have power to pass laws for the preservation of said lands from intrusion and trespass, until Florida shall be admitted into the Union as a State.

Sec. 3. And be it further enacted, That the incorporated deaf and dumb asylum of Kentucky shall have the power, under the direction of the secretary of the treasury, of locating so much of the township of land granted to the said institution, as has been taken by the claims of those who are entitled to the right of pre-emption in the Territory of Florida, under the provisions of the act aforesaid; which shall be located in sections upon any unappropriated and unreserved lands in either of the Territories of Florida, or Arkansas; which said tracts, when so located, shall be disposed of by the corporation of said deaf and dumb asylum, agreeably to the provisions of an act passed the fifth of April, one thousand eight hundred and twenty six, entitled "an act for the benefit of the incorporated deaf and dumb asylum of Kentucky."

APPROVED, 29th Jan. 1827.

Township
reserv'd for
Seminary
of learning.

Gov. may
lease the
same.

Location of
grant to the
deaf and
dumb asy-
lum, &c.

~~An ACT supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida.~~

Certain
claims con-
firmed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the three claims to land in the district of West Florida, contained in the reports of the Commissioners, and numbered four, [4,] eight, [8,] and ten, [10,] excluding from the latter the land contained in certificate, and in the plats A and C, and the claims contained in the reports of the Commissioners of East Florida, and in the reports of the Receiver and Register, acting as such, made in pursuance of the several acts of Congress providing for the settlement of private land claims in Florida, and recommended for confirmation by said Commissioners, and by the Register and Receiver, be, and the same are hereby, confirmed to the extent of the quantity contained in one league square, to be located by the claimants, or their agents, within the limits of such claims or surveys filed, as aforesaid, before the said Commissioners, or Receiver and Register, which location shall be made within the bounds of the original grant, in quantities of not less than one section, and to be bound by sectional lines.

^{Quantity of}
~~acres, &c.~~ Sec. 2. *And be it further enacted,* That no more than the quantity of acres contained in a league square, shall be confirmed within the bounds of any one grant; and no confirmation shall be effectual until all the parties in interest, under the original grant, shall file with the Register and Receiver of the district where the grant may be situated, a full and final release of all claim to the residue contained in the grant; and where there shall be minors incapable of acting within said Territory of Florida, a relinquishment by the legal guardian shall be sufficient; and thereafter the excess in said grants, respectively, shall be liable to be sold as other public lands of the United States.

Decisions
confirmed.

Sec. 3. *And be it further enacted,* That all the decisions made by the Register and Receiver of the District of East Florida, acting, *ex officio*, as Commissioners, in pursuance of an act of Congress, approved the eighth of February, one thousand eight hundred and twenty-seven, authorizing them to ascertain and decide claims and titles to lands in the district aforesaid, and those recommended for confirmation under the quantity of three thousand five hundred acres, contained in the reports, abstracts, and opinions, of the said Register and Receiver, transmitted to the secretary of the treasury, according to law, and referred by him to congress, on the twenty-ninth January, one thousand eight hundred and twenty-eight, be, and the same are hereby, confirmed. The confirmations authorised by this act shall operate only as a release of any claim had by the United States, and not to affect the interest of third persons.

Sec. 4. *And be it further enacted,* That the said register and receiver shall continue to examine and decide the remaining

Claims in East Florida, subject to the same limitations and in conformity with the provisions of the several acts of congress, for the adjustment of private land claims in Florida, until the first Monday in December next, when they shall make a final report of all the claims, aforesaid, in said district, to the secretary of the treasury; and it shall never be lawful, after that time, for any of the claimants to exhibit any further evidence in support of said claims. And the said register and receiver, and clerk, shall receive the compensation provided in the act aforesaid, to be paid out of any money in the treasury not otherwise appropriated: Provided, that the extra compensation of one thousand dollars, each, which is hereby allowed to the register and receiver, for services under and by the provisions of this act, shall not be paid until a report of all the claims be made to the secretary of the treasury.

Duty of the
register &
receiver.

Provis.

Compen-
ation to re-
gister and
receiver.

Sec. 5. *And be it further enacted,* That the proper accounting officers of the treasury be, and they are hereby, authorised to adjust and pay the accounts of the register and receiver, acting as commissioners, their contingent expenses, and the receiver the compensation heretofore allowed for bringing their reports to Washington, out of any money in the treasury not otherwise appropriated.

Sec. 6. *And be it further enacted,* That all claims to land within the territory of Florida, embraced by the treaty between Spain and the United States of the twenty-second of February, one thousand eight hundred and nineteen,* which shall not be decided and finally settled under the foregoing provisions of this act, containing a greater quantity of land than the commissioners were authorised to decide, and above the amount confirmed by this act; and which have not been reported, as antedated or forged by said commissioners, or register and receiver acting as such, shall be received and adjudicated, by the judge of the superior court of the district within which the land lies, upon the petition of the claimant, according to the forms, rules, regulations, conditions, restrictions, and limitations prescribed by the district judge, and claimants in the state of Missouri, by act of congress, approved May twenty-sixth, eighteen hundred and twenty-four, entitled an "act enabling the claimants to land within the limits of the state of Missouri, and territory of Arkansas, to institute proceedings to try the validity of their claims;"† Provided, that nothing in this section shall be construed to authorise said judges to take cognisance of any claim annulled by the said treaty, or the decree ratifying the same by the King of Spain, nor any claim not presented to the commissioners or register and receiver, in conformity to the several acts of congress, providing for the settlement of private land claims in Florida.

Claims &c

Sec. 7. *And be it further enacted,* That it shall be lawful for the claimants to land, as aforesaid, to take an appeal, as directed

Appeals in
certain cas-
es, &c.

in the act aforesaid, from the decision of the judge of the district, to the supreme court of the United States, within four months after the decision shall be pronounced; and the said judges shall each be entitled to receive the extra compensation given to the district judge of Missouri, for the performance of the duties required by this act, out of any money in the treasury not otherwise appropriated.

Sec. 8. *Be it further enacted*, That so much of the said act, the provisions of which, so far as they are applicable, and are not altered by this act, are hereby extended to the territory of Florida, as subjects the claimants to the payment of costs in any case where the decision may be in favor of their claims, be, and the same is hereby, repealed; and the costs shall abide the decision of the cause as in ordinary causes before the said court. And so much of the said act as requires the claimants to make adverse claimants parties to their suits, or to show the court what adverse claimants there may be to the land claimed of the United States, be also hereby repealed.

Duty of the attorney-general of the U. S. Sec. 9. *Be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorised by this act shall be instituted, in every case where the decision is against the United States, to make out and transmit to the attorney general of the United States, a statement, containing the facts of the case, and the points of law on which the same was decided; and it shall be the duty of the attorney general, in all cases where the claim exceeds one league square, and in all other cases, if he shall in such latter cases think the decision of the district judge is erroneous, to direct an appeal to be made to the supreme court of the United States, and to appear for the United States, and prosecute such appeal; which appeal in behalf of the United States may be granted at any time within six months after the rendition of the judgement appealed from, or at any time before the expiration of the term thereof, which may commence next after the expiration of said six months; and it shall be the further duty of the district attorney to observe the instruction given to him by the attorney general in that respect.

Law agent. Sec. 10. *And be it further enacted*, That it shall be lawful for the president of the United States to appoint a law agent, whose special duty it shall be to superintend the interests of the United States, in the premises, to continue him in place as long as the public interest requires his continuance; and to allow such pay to the agent as the president may think reasonable. It shall also be the duty of said agent to collect testimony in behalf of the United States, and to attend, on all occasions, when said claimants may take depositions; and no deposition so taken by them shall be read as evidence, unless said agent or district attorney shall have been notified, in writing, of the time and place

of taking them, so long previous to said time as to afford to him an opportunity of being present.

Sec. 11. *And be it further enacted,* That it shall be lawful for the president to employ assistant counsel, if in his opinion the public interest shall require the same; and to allow to such counsel and the district attorney, such compensation as he may think reasonable.

Sec. 12. *And be it further enacted,* That any claims to lands, tenements, and hereditaments, within the purview of this act, which shall not be brought by petition before said court within one year from the passage of this act, or which, after being brought before said court, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within two years, shall be forever barred, both at law and in equity; and no other action at common law, or proceeding in equity, shall ever thereafter be sustained in any court whatever.

Sec. 13. *And be it further enacted,* That the decree which may be rendered by said district, or the supreme court of the United States, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

APPROVED, 23 May, 1828.

An ACT giving the right of pre-emption, in the purchase of lands, to certain settlers in the states of Alabama, Mississippi, and territory of Florida.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person, or the legal representatives of any persons, who, being either the head of a family, or twenty-one years of age, did, on or before the first day of January, in the year one thousand eight hundred and twenty-five, actually inhabit and cultivate a tract of land situated in the territory of Florida, which tract is not rightfully claimed by any other person, and who shall not have removed from the said territory, shall be entitled to the right of pre-emption in the purchase thereof, under the same terms, restrictions, conditions, provisions, and regulations, in every respect, as are directed by the act, entitled "An Act giving the right of pre-emption, in the purchase of lands, to certain settlers in the Illinois Territory," passed February the fifth, one thousand eight hundred and thirteen: *Provided,* That no person shall be entitled to the provisions of this section, who claims any tract of land in said Territory, by virtue of a confirmation of the Commissioners, or by virtue of any act of Congress.

Sec. 2. *And be it further enacted,* That any person, or the legal representatives of any person, entitled to a preference in becoming the purchaser of a tract of land, at private sale, ac-

Assistant
counsel.

Claims &c
barred.

Decree
rendered.

Pre-emp-
tion, &c.

Proviso.

Privilege
of settlers.

cording to the provisions of this act, who is settled on a fractional quarter section, shall have the privilege of purchasing an adjoining quarter section, or the fractional quarter section, improved by them, at their option.

Conflicting claims, &c.

Sec. 3. *And be it further enacted,* That, in cases where two or more persons entitled to the right of pre-emption shall be settled on one quarter, or fractional quarter section of land, they shall be authorised to purchase one or more quarter sections, which, with the quarter section, or fractional quarter upon which such persons are settled, shall be equally divided between them, in such manner as the Register and Receiver shall direct, so as to secure, as far as may be practicable, to each person, their improvements, respectively: *Provided*, That in no instance shall any person be entitled to a preference in the purchase for more than one quarter section of land, in addition to his portion of the fractional quarter section on which he is settled.

*Right of pre-emp-
tⁿ, &c.*

Sec. 4. *And be it further enacted,* That any person, or persons, who have settled on and improved any of the lands in the said Territory, reserved for the use of schools, and who would have had the right of pre-emption thereto by this law, had no: the same been so reserved, shall have the right of pre-emption under the same terms and conditions, and subject to the same restrictions, provided for in other cases of a right of pre-emption in said Territory to a quarter section of unappropriated lands in the same township, and as near adjacent as lands of like quantity can be obtained.

APPROVED, 22 April, 1826.

An ACT to provide for the confirmation and settlement of Private land claims in East Florida, and for other purposes.

Decisions made, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the decisions made by the commissioners appointed to ascertain claims and titles to land in the district of east Florida, and those recommended for confirmation, under the quantity of three thousand five hundred acres, in favor of claimants to lands and lots, contained in the reports, abstracts, and opinions of said commissioners, which have been transmitted to the secretary of the treasury, according to law, and referred by him to Congress, on the twenty first of February, eighteen hundred and twenty five, and the twenty first of February, eighteen hundred and twenty six, be, and the same are hereby confirmed.

*Conflicting Spanish claims con-
firmed.*

Sec. 2. *And be it further enacted,* That all the conflicting Spanish claims, reported in obedience to the fourth section of an act of Congress, approved May the eighth, eighteen hundred and twenty two, entitled "An act for ascertaining claims and titles to

Lands in the Territory of Florida," be, and the same are hereby confirmed: Provided, That this confirmation shall only operate as a relinquishment of the title of the United States; Provided further, That nothing in the foregoing sections shall be construed to prevent or bar the judicial decision between persons claiming titles to the lands confirmed.

Provisions

Sec. 3. *And be it further enacted,* That the commons in the city of St. Augustine be, and the same are hereby, confirmed to the corporation of said city, to the same extent that they were used, claimed and enjoyed, under the Spanish government. And the Parochial church and burying ground in possession of the Roman Catholic congregation, are confirmed to them: and the old Episcopal church lot is, hereby, relinquished and confirmed to the incorporated Episcopal church of St. Augustine: Provided always, That the grants in this section specified, shall forever inure to the purposes for which they are confirmed, and shall not be alienated without the consent of congress.

Extent of
commons
in St. Aug-
ustine.

Sec. 4. *And be it further enacted,* That it shall be the duty of the secretary of the late board of commissioners to deliver over to the receiver and register, to be appointed for the district of east Florida, all records, evidence, and papers, in the possession of said board, relating to claims and titles to land, in said district; and it shall be the duty of said receiver and register, to examine and decide all claims and titles to land, in east Florida, not heretofore decided by the late board of commissioners, subject to the limitations, and in conformity with the provisions of the several acts of Congress providing for the adjustment of private land claims in Florida.

Duty of the
secretary
of the late
board of
commis-
ioners, &c.

Sec. 5. *And be it further enacted,* That the several claimants to land in said district, whose claims have not been heretofore decided on or filed, before the late board of commissioners, be permitted to file their claims, and the evidence in support of them, with the register and receiver of said district, and evidence in support of those filed before said board, at any time before the first of November next, whose duty it shall be to report the same, with their decision thereon, and those already filed, to the secretary of the treasury, on or before the first day of January, one thousand eight hundred and twenty eight, to be laid before congress at the next session.

Claimants
to file, &c.

Sec. 6. *And be it further enacted,* That the receiver and register shall have power to appoint a clerk, and prescribe his duties; and the receiver and register shall each be entitled to receive the sum of fifteen hundred dollars per annum, to be paid quarterly, out of any money in the Treasury not otherwise appropriated, as a full compensation for the performance of their duties as receiver and register, and the additional duties required by this act, and shall not be allowed any other fees or commissions whatever; and the clerk appointed by them shall be allowed the

Salary, &c
of register
and receiv-
er, &c.

sum of one thousand dollars, to be paid quarterly out of any money in the Treasury not otherwise appropriated.

Duty of the keeper of the public archives. Sec. 7. *And be it further enacted,* That the keepers of public archives of east and west Florida, shall furnish to the surveyor of public lands in Florida without delay, a description of each claim to land, which shall have been confirmed, which shall especially designate the quantity, locality, and connexion of such claim; and where the confirmation may have been made on a grant or survey, a copy of the courses and distances contained in such grant or survey, and the date of the survey or grant; and it shall be the duty of the surveyor of the public lands in Florida, to cause, under such instructions as he may receive from the Treasury department, the said claims to be surveyed, and connected with the township lines of the public surveys, and to give to them their proper township and sectional numbers, agreeably to such descriptions; and he shall make separate plats and certificates of survey of the same, one of which shall be returned to the office of the register of the land office for the district in which the land may lie, and the other shall be delivered to the claimant. But it shall be the duty of the surveyor to withhold his certificate, if he shall have reason to believe that the lands claimed are other lands than those intended to be confirmed, or if it shall appear that the survey, under which the land is claimed, has been made subsequent to the date of the survey under which the claim was confirmed.

Duty of the register.

Sec. 8. *And be it further enacted,* That so soon as the said tracts of land shall have been thus surveyed, and the surveys thereof returned to the office of the proper register, it shall be the duty of the said register to issue certificates in favor of the claimants entitled thereto; and, if it shall appear, to the satisfaction of the commissioner of the general land office, that the certificates have been fairly obtained, and correspond with the transcripts transmitted to the secretary of the treasury, and the plats returned by the surveyor, patents shall be granted, in like manner as is provided by law for the other public lands of the United States.

Duty of the surveyor.

Sec. 9. *And be it further enacted,* That the surveyor of the public lands shall designate on the township plats the claims for which he shall have refused to issue his certificates of survey.

Powers.

Sec. 10. *And be it further enacted,* That the expense of surveying all claims founded on surveys or grants shall be paid by the United States: *Provided,* the same shall not exceed four dollars per mile, for every mile actually run and marked.

Sec. 11. *And be it further enacted,* That no patent shall issue, without the consent of the parties, for lands, the claims to which may have been confirmed on surveys, which interfere with each other, until a legal decision shall have been had on the same.

Sec. 12. *And be it further enacted,* That the holders of claims

over three thousand five hundred acres, which have been filed with the commissioners, or with the register and receiver of the land office for West Florida, acting as commissioners for adjudicating claims, or of claims which have been filed with the commissioners for adjudicating claims to land in East Florida, or which, under the provisions of this act, may be filed with the register and receiver of the land office for East Florida, and which claims have not been reported against by the said commissioners, or by the register and receiver, shall cause the same to be so connected with the township lines of the public surveys, and shall furnish to the surveyor of the public lands in Florida, such information as will enable him to exhibit, accurately, the said claims on his township plats, and the lands thus claimed shall be reserved from sale: *Provided*, the information required to enable the surveyor to exhibit them on the township plats, shall have been furnished to him within one year after the lines of the townships, within which such claims may lie, shall have been run; or where the township lines have already been run, within one year from the passage of this act.

Course to
be pursued
by holders
of claims.
&c.

Sec. 13. And be it further enacted, That it shall be the duty of the register and receiver at Tallahassee, to deliver over to the keeper of the public archives of West Florida, all the records and papers of the late board of commissioner for West Florida, and it shall be the duty of the register and receiver of the land office for East Florida, to deliver to the keeper of the public archives of East Florida, all the records and papers of the late board of commissioners for East Florida, relating to claims confirmed by this act.

Duty of the
register &c

Sec. 14. And be it further enacted, That it shall be lawful for the governor and legislative council to sell one of the reserved quarter sections of land, near Tallahassee, and apply the proceeds to the erection of public buildings; and it shall be lawful for them to reserve such portion of the quarter section to the town of Tallahassee, contiguous to the creek and waterfall, as may in their opinion, contribute to the health and convenience of the inhabitants; and they shall have power to pass laws for the preservation of, and expulsion from, the other two quarter sections, all intruders, and to abate all nuisances; which said two reserved quarter sections shall be reserved for, and vested in, the state, should that territory ever be erected into one.

Duty of the
Gov. &c.

Sec. 15. And be it further enacted, That the three persons whose improvements were included in the reserves made to certain Indian chiefs, in the treaty with the Florida Indians, of the eighteenth of September, one thousand eight hundred and twenty-three, shall be entitled to a pre-emption to the same quantity of land, in said district, upon the same terms and conditions as other pre-emptees, to be located under the direction of the re-

Persons en
titled to pre
emption

ceiver and register, upon the production of proof that they would have been entitled to the provisions of the act granting the right of pre-emption, if the reserves had not been made;

APPROVED, 8th Feb. 1827.

~~RECEIVED~~
An ACT to provide for the final settlement of land claims in Florida.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the claims and titles to land filed before the Register and receiver of the land office, acting as commissioners, in the district of east Florida, under the quantity contained in one league square, which have been decided and recommended for confirmation, contained in the reports, abstracts and opinions, of said register and receiver, transmitted to the secretary of the Treasury; according to law, and referred by him to Congress, on the fourteenth of January, one thousand eight hundred and thirty, be, and the same are hereby confirmed, with the exception of such claims as were confirmed by the Spanish government, subsequent to the twenty fourth of January, one thousand eight hundred and eighteen, which shall be re-examined and reported, with the evidence by the register and receiver, before the next session of Congress, to the secretary of the Treasury, to be laid before Congress.

Sec. 2. *And be it further enacted,* That all the conflicting Spanish claims, reported in obedience to the fourth section of the act of Congress, approved May the eighth, one thousand eight hundred and twenty two, and recommended for confirmation as valid titles, be, and the same are hereby, confirmed, so far as the United States have any title to the same.

Sec. 3. *And be it further enacted,* That all claims derived from the former British Government, contained in the reports of the commissioners of East Florida, or the register and receiver, acting as such, who did not avail themselves of the provisions of the treaty between Spain and England, signed at Versailles on the twentieth of January, one thousand seven hundred and eighty three, by leaving said province, but who remained in the same, and became Spanish subjects, and whose titles were approved by the Spanish authorities, and have been recommended for confirmation by said commissioners, or register and receiver, acting as such, be, and the same are hereby, confirmed.

Sec. 4. *And be it further enacted,* That all the remaining claims which have been presented according to law, and not finally acted upon, shall be adjudicated and finally settled upon the same conditions, restrictions, and limitations, in every respect, as are prescribed by the act of Congress, approved twenty third May, one thousand eight hundred and twenty eight; entitled "an

Act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida.

Sec. 5. And be it further enacted, That it shall be the duty of the register and receiver to deliver over all papers relative to private land claims in east Florida to the keeper of the public archives:

Sec. 6. And be it further enacted, That all confirmations of land titles, under this act, shall only operate as a relinquishment of the right of the United States to the said lands respectively, and shall not be construed either as a guarantee of any such titles, or in any manner affecting the rights of other persons to the same lands.

Sec. 7. And be it further enacted, That so much of the act of twenty third of May, one thousand eight hundred and twenty eight, as directed that the selection of claimants who availed themselves of the first section of said act by accepting a quantity equal to one league square within their respective grants, which confined the selection to sectional lines, shall not be held to extend to the selection by the claimants of a greater quantity than a section, but, the said claimants who have, or may hereafter select, under the provisions of said law, any quantity equal to the amount granted in bodies larger than a section in the form of any Spanish survey, or plat of survey, or where the sections are broken by any river, the said land so selected, or which may be so selected, is hereby confirmed to said claimants; and it shall be the duty of the surveyor general to make a survey and certificate of all such claims, to return the same to the commissioner of the general land office, and thereupon a patent shall issue to the original grantee, or to his assignee; if the land has been sold or transferred to any other person, or to the legal owner by purchase or descent.

Sec. 8. And be it further enacted, That the claimants who are entitled to the provisions of that act, or who may avail themselves of the foregoing provisions of this act, by taking a quantity equal to a league square in lieu of the whole grant, shall be, and they are hereby, allowed the further time of one year, from the passage of this act, to execute their relinquishments, and to file their acceptance of the provisions of said law.

Sec. 9. And be it further enacted, That it shall be the duty of the registers and receivers to restore to the claimants the title deeds on which they may have finally rejected the claims.

APPROVED, May 26, 1830.

Disposition
of papers.

Operation
of confir-
mation.

Act of 1829

Time for re-
linquish-
ment, &c.

Title deeds

An ACT concerning wrecks on the coast of Florida.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, if any ship or vessel shall, after the passing of this act, be

Vessel se-
ized, &c.

engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals within the jurisdiction of the U. States, on the coast of Florida, to any foreign port or place, every such ship or vessel, so engaged and employed, together with her tackle, apparel, and furniture, shall be wholly forfeited, and may be seized and condemned in any court of the United States or territories thereof, having competent jurisdiction.

Property
wrecked.

Sec. 2. *And be it further enacted,* That all property, of every description whatsoever, which shall be taken from any wreck from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction aforesaid.

Forfeitures
incurred.

Sec. 3: *And be it further enacted,* That all and every forfeiture or forfeitures, which shall be incurred by virtue of the provisions of this act, shall accrue one moiety to the informer or informers, and the other to the United States, and may be mitigated or remitted, in manner prescribed by the act, entitled "an act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety seven, and made perpetual by an act passed eleventh February, one thousand eight hundred.

Approved, 3 March, 1825.

An ACT to alter the time of holding the sessions of the Legislative Council of the Territory of Florida.

Times for
sessions to
commence

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislative Council of the Territory of Florida shall commence its session on the first Monday in January in each year, instead of the second Monday in October, as now directed by law.

Certain en-
actments of
L. council
annulled

Sec. 2. *And be it further enacted,* That the first and third sections of an act "to amend an act for the apprehension of criminals and the punishment of crimes and misdemeanors," passed by said Legislative Council the fifteenth day of November, eighteen hundred and twenty-nine, be, and the same are hereby annulled.

APPROVED, May 14, 1830.

BY THE PRESIDENT OF THE U. STATES.

A PROCLAMATION.

WHEREAS a treaty of Amity, Settlement and Limits, between the United States of America and His Catholic Majesty, was concluded and signed between their Plenipotentiaries in this city, on the twenty-second day of February, in the year of our Lord, one thousand eight hundred and nineteen, which treaty, word for word, is as follows:

[ORIGINAL.]

T R E A T Y

Of Amity, Settlement and Limits, between the United States of America and His Catholic Majesty.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate with precision, the limits of their respective bordering territories, in north America.

With this intention, the President of the United States has furnished with their full powers, JOHN QUINCY ADAMS, secretary of state of the United States; and his Catholic Majesty has appointed the most excellent Lord Don LOUIS DE ONIS, Gonzalez, Lopez y Vara, Lord of the town of Rayaces, perpetual regidor of the Corporation of the City of Salamanca, Knight Grand-Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order, of the Council of his Catholic Majesty—his Secretary, with the Exercise of Decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United States of America.

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon, and concluded the following articles:

ARTICLE I.

There shall be a firm and inviolable peace, and sincere friendship between the United States and their citizens, and his Catholic Majesty, his successors and subjects, without exception of persons and places.

ARTICLE 2.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of east an west Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents, shall be left in possession of the commissioners or officers of the United States duly authorized to receive them.

ARTICLE 3.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine; in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red river; then following the course of Rio Roxo westward, to the degree of longitude 100 west from London, and 23 from Washington; then, crossing the said Red river, and running thence, by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January 1818. But, if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the south sea. All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims and pretensions, to the territories described by the said line, that is to say—The United States hereby cede to his catholic majesty, and renounce forever, all the rights, claims and pretensions to the territories lying west and south of the above described line; and, in like manner, his catholic majesty cedes to the said United States, all his rights, claims and pretensions, to any territories east and north of the said line, and for himself, his heirs and successors, renounces all claim to the said territories for ever.

ARTICLE 4.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall meet before the termination of one year, from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the red river, to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42 degrees to the South Sea; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should it be deemed necessary.

ARTICLE 5

The inhabitants of the ceded territories shall be secured in the free exercise of their religion without any restriction, and all those who may desire to remove to the Spanish dominions, shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to duties.

ARTICLE 6.

The inhabitants of the territories which his Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights and immunities, of the citizens of the United States.

ARTICLE 7.

The officers and troops of his Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them, shall be given within six months after the exchange of the ratifications of this treaty, or sooner, if possible, by the officers of his Catholic Majesty, to the commissioners or officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana.

ARTICLE 8.

All the grants of lands made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities in the said territories, ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of such lands who, by reason

of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty, in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposals, on the part of his Catholic Majesty, for the cession of the Floridas, was made, are hereby declared, and agreed to be null and void.

ARTICLE 9.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which existed between them, and of confirming the good understanding which they wish to be for ever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposit, at New Orleans, in 1802.

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizure at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish government, statements of which, soliciting the interposition of the government of the United States, have been presented to the department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802.

The renunciation of his Catholic Majesty extends to all the injuries mentioned in the convention of the 11th of August 1802.

2. To the sums which his Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the government of the United States, arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all claims of subjects of his Catholic Majesty, upon the government of the United States, in which the interposition of his Catholic Majesty's government has been solicited before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the department of

Foreign Affairs of his Majesty, or to his Minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities, for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida..

ARTICLE 10.

The convention entered into between the two governments, on the 11th of August 1802, the ratification of which, were exchanged the 21st December, 1818, is annulled.

ARTICLE 11.

The United States, exonerating Spain from all demands in future on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine and decide upon the amount and validity of all the claims included within the description above mentioned. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and in case of death, sickness, or necessary absence, of any such commissioner, his place may be supplied by the appointment as aforesaid, or by the President of the United States, during the recess of the senate, of another commissioner in his stead. The said commissioners shall be authorised to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1798; the said documents to be specified when demanded at the instance of said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their treasury, or by the creation of stock bearing an interest of six per cent. per annum.

payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the congress of the United States may prescribe.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the department of state of the United States, and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.

ARTICLE 12.

The treaty of limits and navigation, of 1795, remains confirmed in all, and each one of its articles, excepting the 2d, 3d, 4th, and 21st, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of Friendship, Limits, and Navigation, of 1795, in which it is stipulated, that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognize this principle; but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies, whose government acknowledge this principle, and not of others.

ARTICLE 13.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed, that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claim them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port, shall exhibit the document known by the name of *Articles*, and the Spanish consul in American ports, the Roll of the vessel; and if the name of the deserter or deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ARTICLE 14.

The United States hereby certify, that they have not received any compensation from France, for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts, and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement;

of the prizes made, and of their value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ARTICLE 15.

The United States, to give to his Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor the commerce of the subjects of his Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term, no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratification of this treaty.

ARTICLE 16.

The present treaty shall be ratified in due form, by the contracting parties, and the ratification shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the underwritten Plenipotentiaries of the United States of America, and of his Catholic Majesty, have signed, by virtue of our powers, the present Treaty of Amity, Settlement, and Limits, and have thereunto affixed our seals, respectively.

Done at Washington, this twenty second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS, [SEAL.]
LOUIS DE ONIS, [SEAL.]

And whereas his said Catholic Majesty did, on the twenty fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and of the tenor following :

[TRANSLATION.]

"Ferdinand the Seventh, by the grace of God, and by the constitution of the Spanish Monarchy, king of the Spains.

"Whereas, on the twenty second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Louis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of state of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences, and of limits between both governments and their respective territories; which are of the following form and literal tenor;"

[Here follows the above.]

"Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and cause them to be executed and observed, entirely, as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of land, in the Floridas made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare, that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner: under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the under written, my Secretary of Dispatch of State.

Given at Madrid, the twenty fourth of October, one thousand eight hundred and twenty.

(Signed)

FERNANDO.

Countersigned, EVARISTO PEREZ DE CASTRO.

And whereas the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words:

"IN SENATE OF THE UNITED STATES,
February 19th, 1821.

"Resolved, two thirds of the Senators present, concurring therein: That the Senate, having examined the treaty of amity, settlement, and limits, between the United States of America, and his Catholic Majesty, made and concluded on the twenty second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof made by his Catholic

Majesty, on the twenty fourth day of October, one thousand eight hundred and twenty, do consent to, and advise the President of the United States to ratify the same."

And whereas in pursuance of the said advice and consent of the United States, I have ratified and confirmed the said treaty, in the words following, viz:

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of his Catholic Majesty thereof, do in pursuance of the aforesaid advice and consent of the Senate of the United States by these presents, accept, ratify, and confirm the said treaty, and every clause and article thereof, as the same are herein before set forth.

In faith whereof, I have caused the seal of the United States of America to be hereunto affixed.

Given under my hand, at the City of Washington, this twenty second day of February, in the year of our Lord, one thousand eight hundred and twenty one, and of the Independence of the United States, the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

And whereas the said ratifications, on the part of the United States, and of his Catholic Majesty, have been this day, duly exchanged, at Washington, by JOHN QUINCY ADAMS, secretary of state of the United States, and by General Don FRANCISCO DIOVISIO VIVES, Envoy Extraordinary, and Minister Plenipotentiary of his Catholic Majesty: Now therefore, to the end that the said treaty may be observed and performed with good faith, on the part of the United States, I have caused the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the U. States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-second of February, in the year of our Lord one thousand eight
L. S. hundred and twenty one, and of the Sovereignty and Independence of the United States, the forty fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

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